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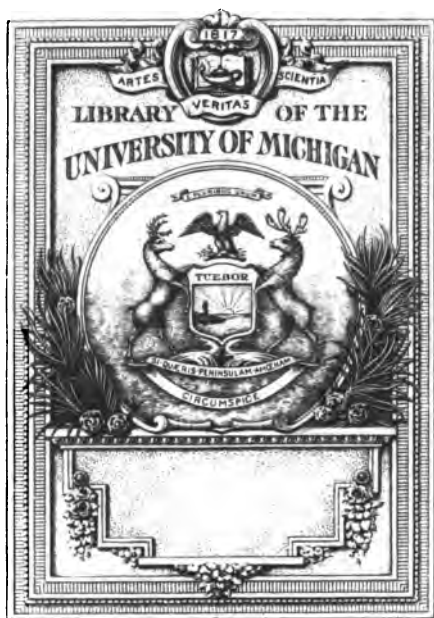
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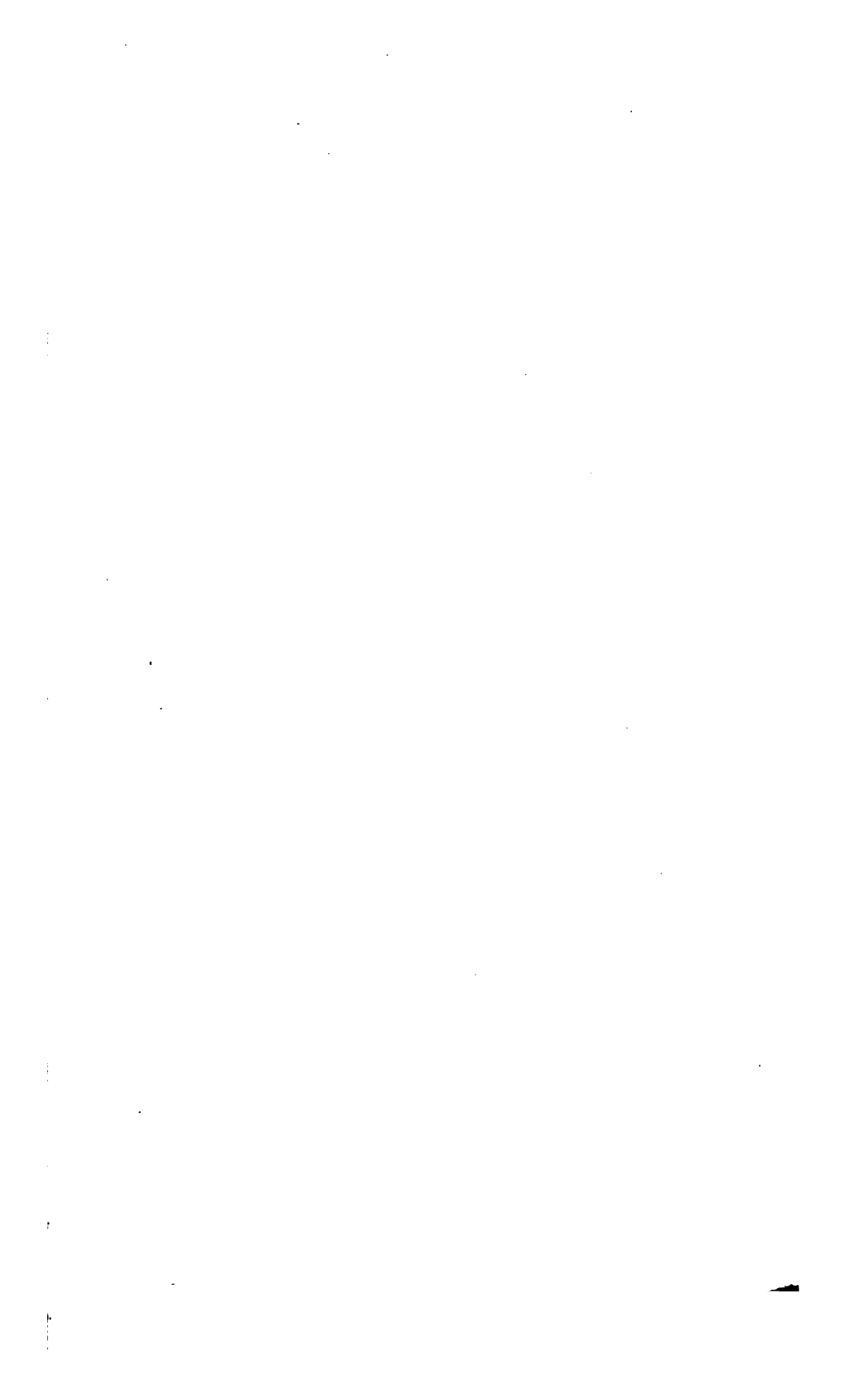
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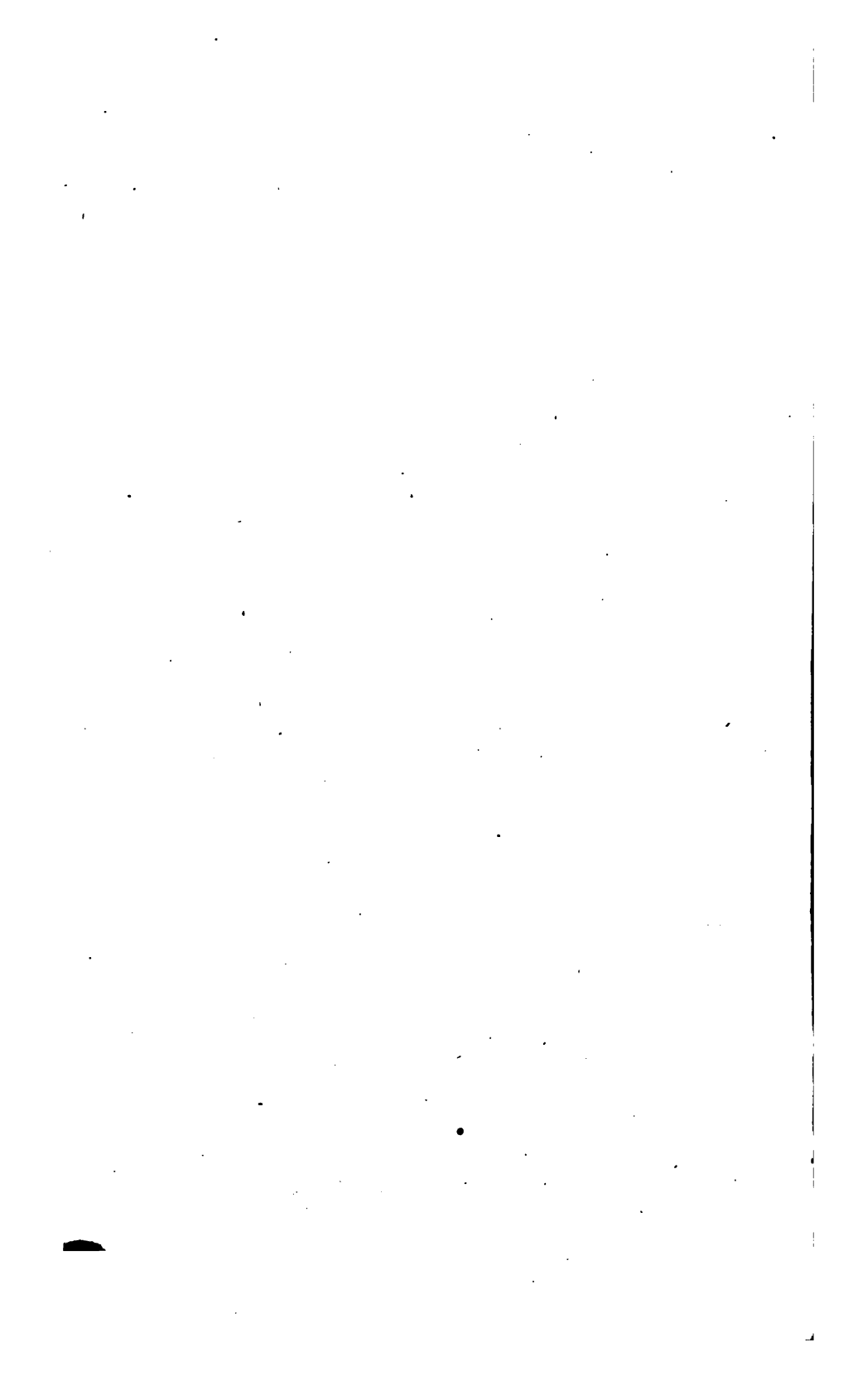








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DOCUMENTS  
ACCOMPANYING THE JOURNAL  
OF THE  
HOUSE OF REPRESENTATIVES  
OF THE  
STATE OF MICHIGAN,  
AT THE  
BIENNIAL SESSION OF 1863.



*By Authority.*

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1862.



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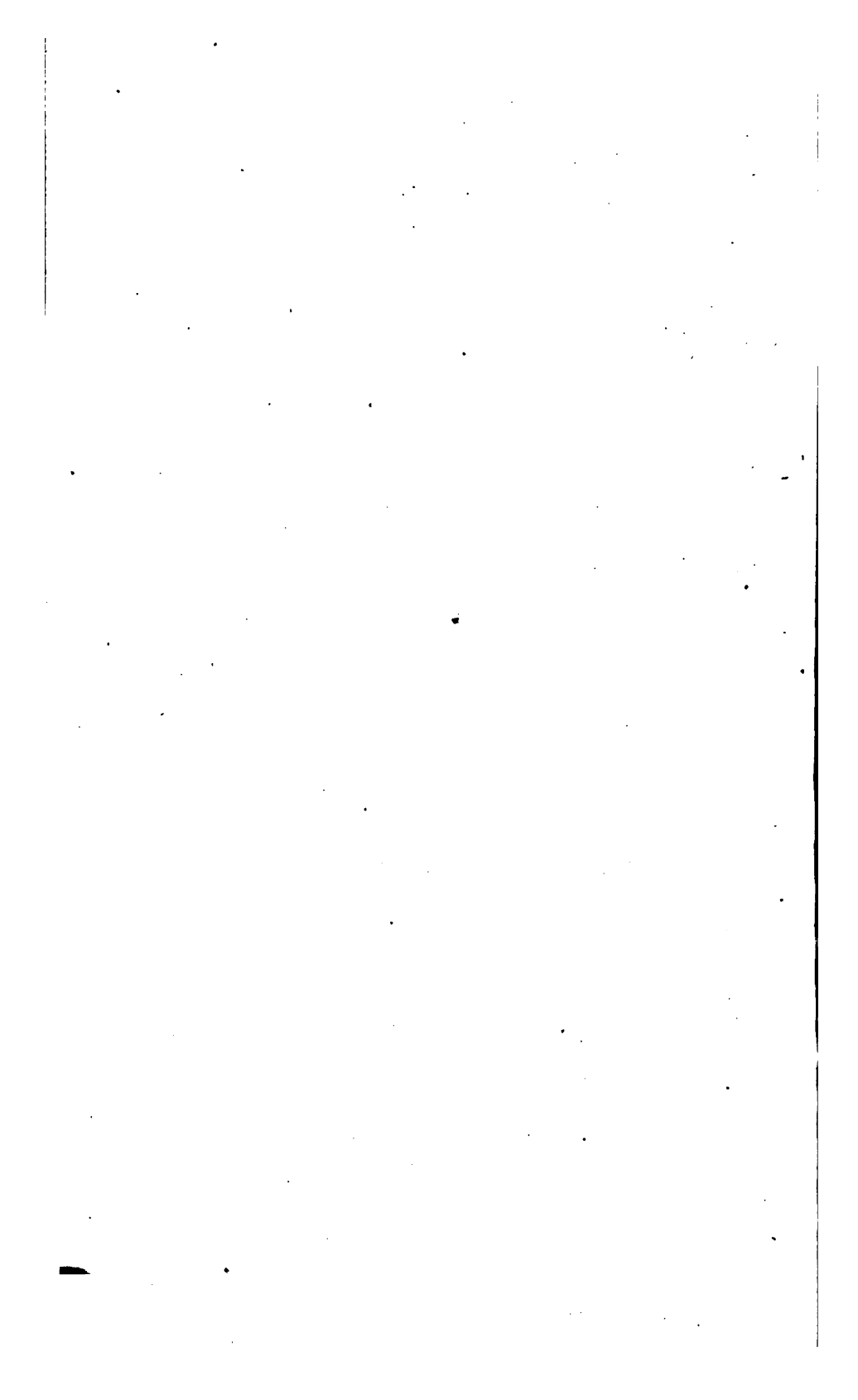
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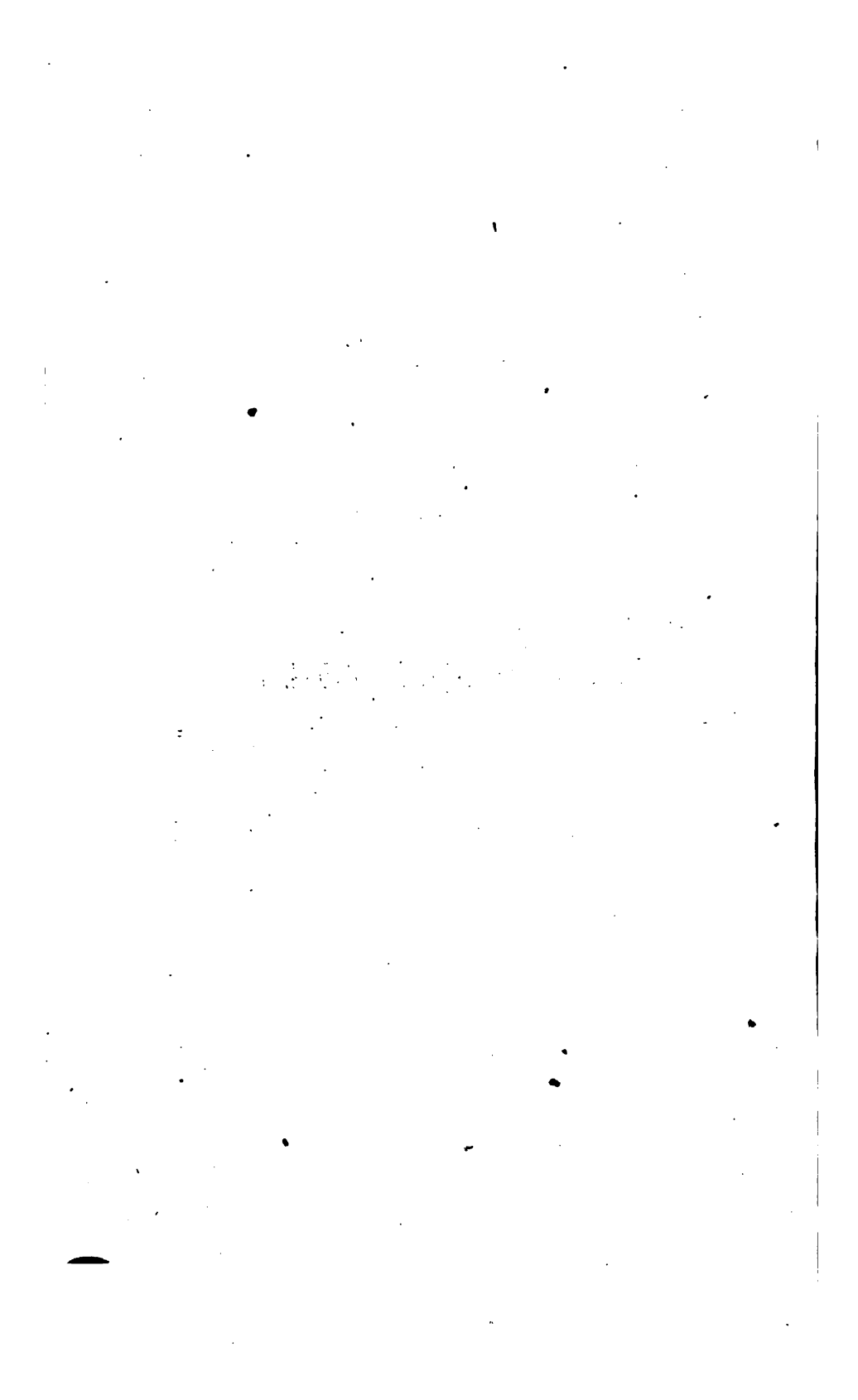
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**HOUSE DOCUMENTS.**

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[ No. 1. ]

**MEMORIAL of the State Board of Education, relative to Township and District School Libraries.**

*To the Honorable the Senate and House of Representatives of the State of Michigan:*

The State Board of Education deems it due to the public interests intrusted to its care, to present to your Honorable Bodies the following statements:

The School District and Township libraries are mostly falling into decay, and it is feared that many of them will speedily perish altogether. By an act passed in 1859, the former annual appropriation of \$25 in each township, was withdrawn, and the libraries were left to depend upon such sums as might be appropriated by a vote taken amid the tumult and hurry of the annual township meetings. The result of this law is what might easily have been foreseen. In most cases the vote is not taken, or a mere pittance is given. Thus this great and important branch of our educational interests, second only to the schools themselves, is left to decline, and finally perish.

The Constitution of the State commands that "the Legislature shall provide for the establishment of at least one library

in each township." Art. 13, section 12. This requirement to "establish" libraries, necessarily implies and includes the duty to maintain them; since it is useless to "establish," and not support. We cannot count that as established, which sinks immediately into decay, and speedily disappears.

It was the obvious intention of the Constitution to plant a system of public libraries permanently by the side of the public schools, and to bind the Legislature to their steady and regular maintenance.

In the phrase "at least one library in each township," there is the clear authority to establish more than one—to establish, if the Legislature so choose, a library in each district. By the vote of the townships, taken at the annual township meetings, in the spring of 1859, the people pronounced by a large majority in favor of the district libraries—395 townships out of 587, having voted for the division of the township into district libraries.

In withdrawing the annual appropriation made formerly by the law, for the purchase of books, the libraries were left without support, and hence the constitutional requirement is no longer complied with.

The Board of Education cannot believe it necessary to present any extended argument to demonstrate the high utility of good district libraries, and the impolicy of suffering them to be lost from our educational system. They are as necessary as schools to the public intelligence, and are the cheapest of all educational agencies. Making the schools themselves doubly efficient and successful, they carry on the work of enlightenment when the schools have ceased to act, and ripen their work into greater permanence and power. Whatever may be said from districts which have neglected to maintain their libraries in good condition, the universal testimony from the districts possessing good libraries is loud and emphatic in their favor. When districts, now indifferent or opposed, shall come once to experience the benefits of such libraries, they will become equally earnest in their support.

The argument for public libraries rests upon precisely the same basis as the argument for public schools; and there is not a single objection which lies against one which may not be urged with equal force against the other.

The library law of 1859 intrusted the libraries, in some measure, to the State Board of Education. In view of the foregoing statements, and in the discharge of their trust, this Board do respectfully ask of the Legislature the two following amendments of the library law:

I. That an annual appropriation amounting to not less than ten cents nor more than twenty-five cents for each child in the school census, be set apart in the several districts or townships from the proceeds of the two mill tax, for the purchase of books for the district or township libraries; and

II. Inasmuch as the laws impose upon the State Board of Education the duty of carefully selecting a list of library books and of making a contract for furnishing the same to the districts and townships at stipulated prices and in uniform and suitable binding, that, therefore, the books for the libraries be required to be purchased from this list.

The main reasons for this latter request are the following:

1st. To prevent the imposition of bad or unsuitable books upon the libraries by interested dealers, or through inexperienced officers. If a competent inspection is needed to guard purchasers against bad flour and tainted meat, how much more is it needed to guard our youth against a tainted and corrupting literature. Facts of a most startling character have come to the knowledge of the Board, of the gross impositions heretofore practiced upon our libraries.

2d. To enlarge the range of choice of the district officers, and their opportunities for procuring library books. It must be evident to all, that the real liberty of choice in books is practically limited to the number of books which an officer can reach—to the peddler's cart or the book store to which the several districts may have or can afford to gain access. In making, therefore, a contract, such as has been made, for a large list of

books embracing nearly 800 volumes, of different works, the library law has vastly enlarged instead of restricting the liberty of choice, bringing within the easy reach of every district, however remote, a larger number of good library books than can be found in any bookstore in the State. And since the making of this contract hereafter, at reasonable rates, will depend upon the condition that the library books are to be purchased under it, the question is reduced practically to this: Shall the liberty of choice be restricted to the peddler's wagon, or to the library list? If the one is chosen, the other must be relinquished.

Nor is this a question of *liberty* of the people as opposed to the *authority* of officers. The great body of the people, as such, never under any system select the libraries. It is and must be done by public officers; and the only question of interest to the people, is whether this difficult and responsible duty of choosing out, from the wide range and endless accumulations of our literature, safe and useful books for the children of our State, shall be intrusted to district boards, often inexperienced and sometimes incompetent for such work, and who live remote from the necessary facilities for doing it, or to a State board whose position will enable them to command every facility, and who by reason of the vaster interests involved in their choice, will select with greater care and deliberation.

Under the plan proposed, the people will get the advantage of the united wisdom of the two boards, the State and the District; the State board selecting the general list of books, and the district board choosing therefrom such works as their libraries may require, and as their funds will avail to purchase. It is difficult to conceive of a plan more wise, or more just than this.

3d. The third advantage of the system proposed is its great economy. The Board of Education feel prepared to state that if the purchases of library books be restricted to this list, a saving of 30 to 40 per cent. can be made in the cost of books, making an aggregate saving to the State, annually, of \$8,000.



to \$15,000. In exchange for the right of the District Board to purchase from the peddler's cart, or gift book store, the districts would get a much larger number of good books for their money. To secure this right to purchase outside of the list, to the few district boards that may desire it, all the districts of the State must be deprived of this reduction of prices which they have a right to expect from the large amount expended annually by the State for books.

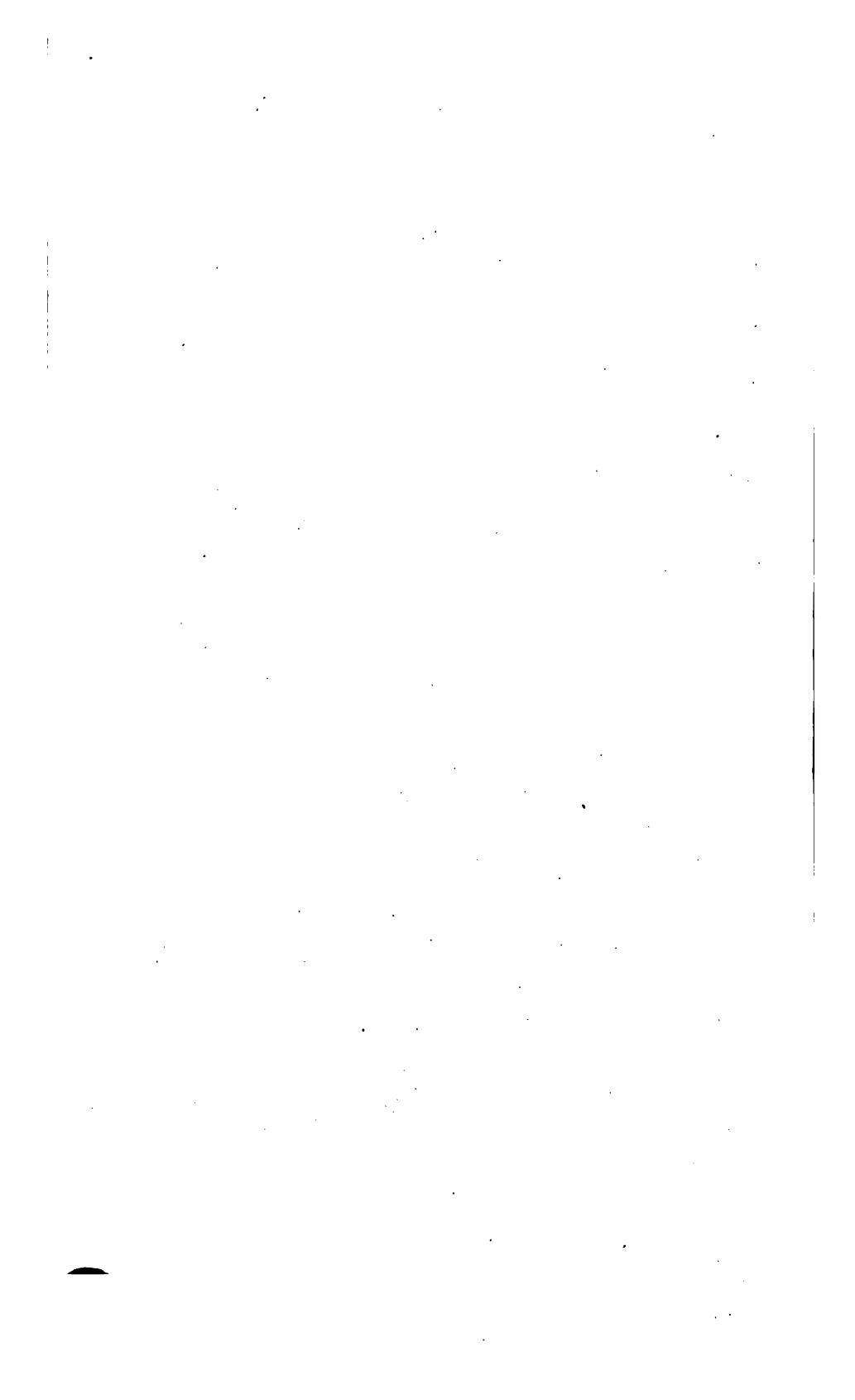
Knowing the reluctance that may be felt to abridge the authority of the district boards, it is with much hesitation that the members of the State Board of Education have urged this latter amendment. They yield only to the overpowering conviction that the welfare, if not the very existence of the public library system of the State demands it. They doubt whether any reasonable or satisfactory contract can ever again be made without it. Without disrespect to the rights and powers of district and township boards, they believe that the interests of the great body of the people are higher than theirs, and have a more just and imperative claim on the care and attention of the Legislature of the State.

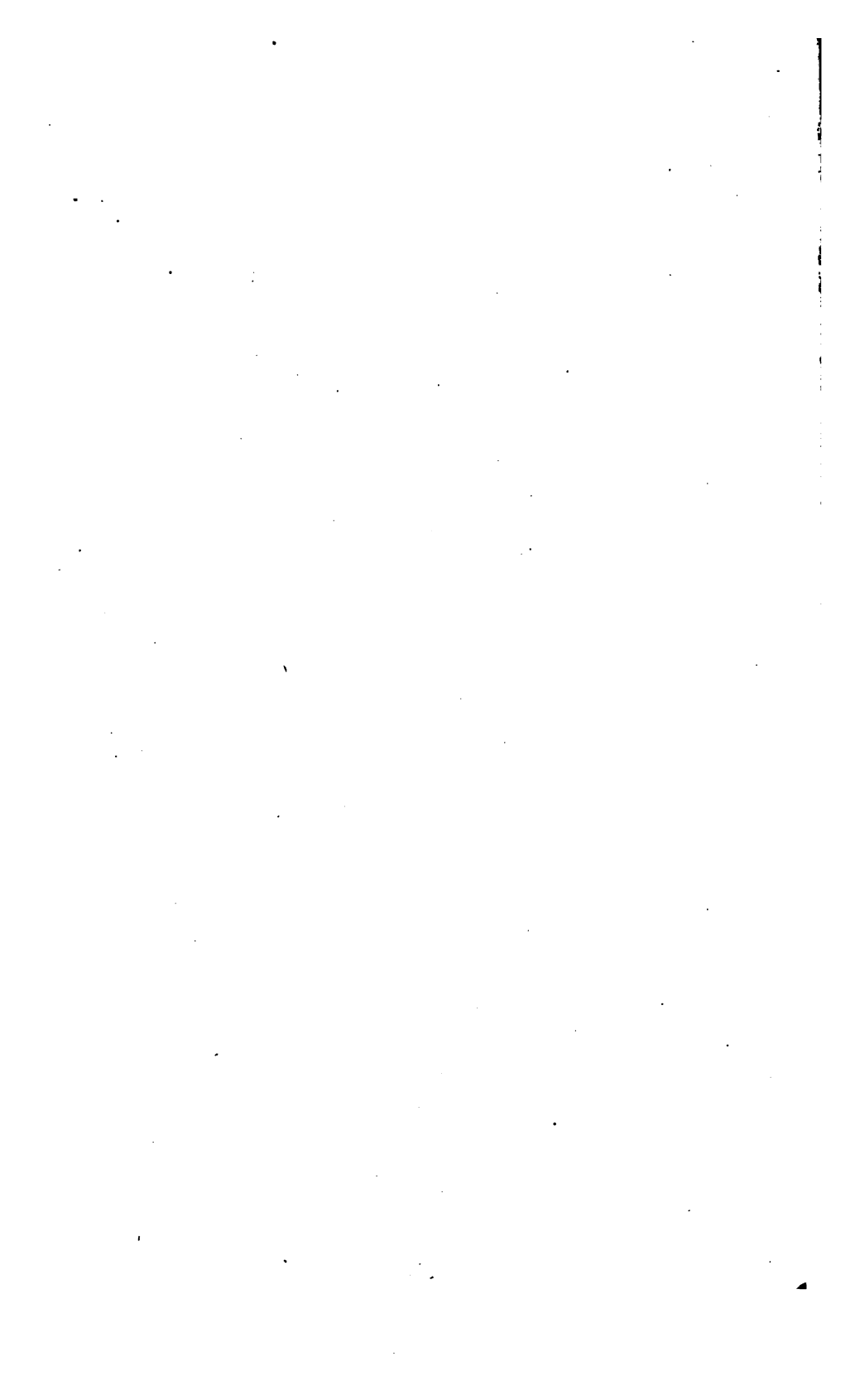
Trusting to the wisdom of your Honorable bodies to adjust rightly the details of these amendments of the library system of the State, the Board would earnestly commend this great public interest to your intelligent care and support.

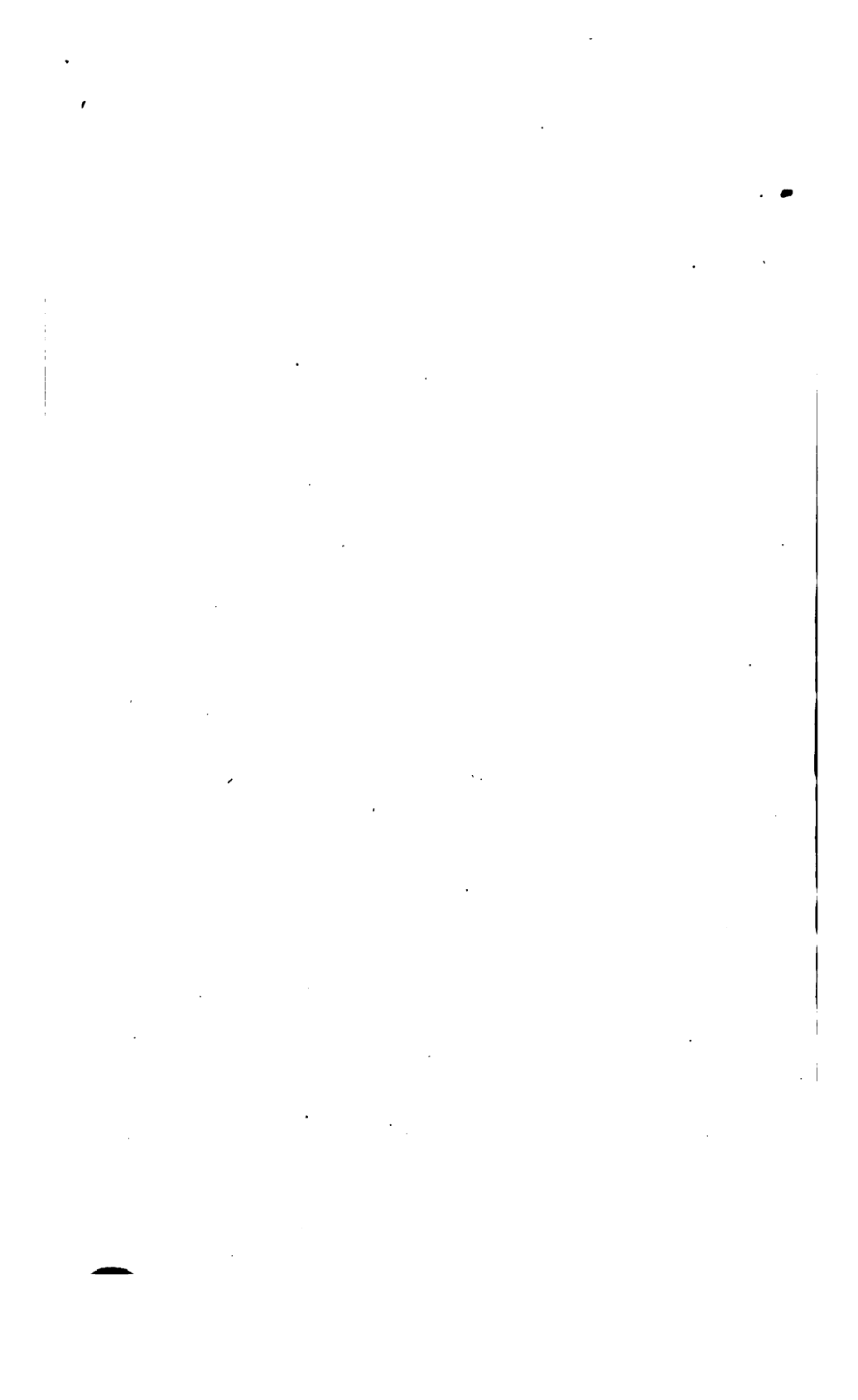
By order of the State Board of Education.

WITTER J. BAXTER, *President.*

J. M. GREGORY, *Ex. Officio Secretary.*







[ No. 2. ]

REPORT of the Committee on Public Lands, on the memorial of the German American Seminary, for amendment to the act granting said Seminary 25,000 acres of Swamp Land.

The committee on public lands, to whom was referred the memorial of the German American Seminary, asking an amendment to the act granting 25,000 acres of swamp lands, have had the same under consideration, and instructed me to report thereon:

In the winter of 1861, said Seminary received from the city of Detroit, a lease for ninety-nine years, of a certain piece of land, formerly held by the city for the use of the city water-works, but abandoned for that purpose, the reservoir having been erected on another site. Said lease was on condition, that within five years from the date thereof said Seminary should make improvements on the lot, to the amount of twenty thousand dollars.

At the session of the Legislature of 1861, act 175 was passed, granting to said Seminary 25,000 acres of swamp lands, to be selected by the agent of the Seminary, in tracts of not less than

320 acres of each, for the purpose of aiding in the erection of buildings on said lot.

The Seminary, by their agent, proceeded to select the lands in accordance with the requirements of the law, but were prevented from taking possession of the lot by the water commissioners of Detroit, who claim title to the same, notwithstanding the lease from the city council, and in defiance thereto.

Abandoning further effort in relation to said lot, the Seminary has recently procured the conveyance to the corporation thereof, in fee simple, free from incumbrance, of a lot on Lafayette street, in Detroit, of sufficient size for the location of college buildings, large enough for the purposes contemplated by the trustees, on which is a building owned by the corporation of the Seminary, three stories high, new, substantially and elegantly built, of brick, and large enough to accommodate 300 or more scholars. The school is now in operation, with competent professors, and a good number of scholars.

The design of the trustees is to make the Seminary a classical academy, wherein the arts and sciences shall be taught, in the German and other modern European languages, to all those who desire it, and in the English language to all. They desire and design to erect, at the earliest practicable time, more extensive buildings, to accommodate classes, and for chemical, philosophical and museum rooms. They design to use the avails of the lands for the erection of such additional rooms and apartments.

They ask that the law making the grant may be so amended as to allow them to dispose of the lands, and apply the proceeds for that purpose; and inasmuch as the title to the lot now occupied by them is fully vested in the Seminary, free from all incumbrances, that all restrictions embarrassing the title be taken off, so that the lands may be disposed of immediately to settlers, and the income arising from the sale be at once available for the purpose contemplated in the original grant.

The committee are satisfied that in all they have done in the

premises, the trustees of the Seminary have acted in good faith, and that their object is a worthy one; and further, that they will in a short time dispose of the lands to German colonists, who will, as all such colonies have heretofore done, improve them and make valuable additions to our new settlements.

Inasmuch as the lot now owned and occupied by the Seminary is free from incumbrance, the committee do not deem it important to embarrass the sale of the lands by any reservations that could encumber the title, but to guard against any possible misapplication of the funds arising therefrom, they have added a provision to the act requiring the trustees to file a bond with the State, with security to the amount of twenty-five thousand dollars, for the faithful application of the funds to the purpose contemplated in the grant.

In accordance with these views the committee have instructed me to report a bill, so amending the law as to accomplish the objects desired by the Seminary, entitled

A bill to amend act No. 175, of session laws of 1861, to grant 25,000 acres of State swamp land to the German American Seminary of the city of Detroit,

Recommend its passage, and ask to be discharged from the further consideration of the subject.

J. B. WILSON, *Chairman.*

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[ No. 3. ]

**MEMORIAL** of Hon. Hiram C. Hodge, to the House of Representatives, claiming a seat in the House from the Second District of Clinton county, in place of Hon. Chandler Freeman.

*To the Honorable the House of Representatives of the State of Michigan :*

The undersigned petitioner respectfully begs leave to represent that he is a resident of Clinton county, in said State of Michigan; that at the last general election held in said State, your petitioner was, as he verily believes, duly and legally elected Representative to the State Legislature, from the Second Representative District of Clinton county, as will appear from the record of the board of canvassers of said Representative District. Your petitioner would represent that Chandler Freeman, Esq., was the opposing candidate for Representative in said District, and that the vote, as will appear of record in the clerk's office of said county, as canvassed by the board of canvassers of said Representative District, is as follows, viz:

For Representative in the State Legislature for the Second District, Clinton county, Hiram C. Hodge received 593 votes.

For Representative in the State Legislature for the Second District, Clinton county, Chandler Freeman received 291 votes

For Representative in the State Legislature Hiram C. Hodge received 38 votes and Chandler Freeman received 121 votes.

For State Representative Chandler Freeman received 288 votes.

From the foregoing it appears that your petitioner received a large majority of the votes cast for Representative in the State Legislature for the Second District of Clinton county, the only legal designation known to the statutes of the State of Michigan. Your petitioner therefore, asks that an investigation be had by your honorable body, and if the facts appear as stated, that your petitioner be admitted a member of this House, duly and legally elected by the voters of said Second Representative District in Clinton county, in the place of Chandler Freeman, the present sitting member.

HIRAM C. HODGE.

January 10, 1863.

Reference is made to certain certified papers now on file in this House, and accompanying this petition.

HIRAM C. HODGE.





[ No. 4. ]

REPORT of the Committee on Mines and Minerals, relative to  
the Specific Taxes in the Upper Peninsula.

The committee on mines and minerals, to whom was referred several petitions of the citizens of Houghton and Ontonagon counties, praying for a remission of the specific taxes in the Upper Peninsula, to aid in the construction of roads and bridges, have taken the matter into serious consideration, and after having thoroughly examined the subject in all its varied aspects, are profoundly impressed that the period has at length arrived when duty imperatively demands that this Legislature should do that justice to the inhabitants of the Upper Peninsula, to which they are so clearly entitled, and which has been so long and persistently denied them. The history of the Upper Peninsula, from its first settlement to the present time, exhibits a spectacle of unmerited wrong and injustice, which can hardly find a parallel in modern times. Just demands for just rights, and prayer after prayer, for that protection and fostering legislation which has been so bountifully lavished upon other portions of this State, have been year after year coldly

denied them, without consideration, by the people of the Lower Peninsula and their representatives. Shall this course of injustice and wrong be continued, and a portion of the State, which is destined to add more to its wealth and power than all the rest combined, thus be left to struggle against an adverse destiny, without the least sympathy and encouragement from those who are so largely its debtors, and upon whom common justice and the laws of the land give it a clear and imperative claim for aid and protection?

Your committee, impressed with the hope that a brief statement of the prominent facts in relation to the past history of the Upper Peninsula, will have the effect of awakening the sympathy, and arousing a sense of justice in the minds of this legislative body, respectfully present the following facts and statistics, from which it will clearly appear how utterly the Upper Peninsula has been cut off from all participation in the benefits arising from that fostering legislation, both of the Federal and State Governments, which has been enjoyed by all the other north-western States and Territories.

Your committee find that, until the year eighteen hundred and thirty-six, the Upper Peninsula formed an integral part of Wisconsin, at which time it was set off from Wisconsin, and made a dependency upon the State of Michigan. At this time, Wisconsin had not as yet received her allowance, either of lands or money, from the Federal Government, and, of course, the Upper Peninsula had not and could not have obtained any aid or benefit from that source.

On the other hand Michigan, at the time the Upper Peninsula was set off from Wisconsin, had not only received her full allowance from the Federal Government, both in lands and money, but had expended the whole sum for roads, bridges and other improvements in the Lower Peninsula, so that there was not a cent left to be laid out for the benefit of the Upper Peninsula, which has thus, between the two, deprived us of all participation in the bounties flowing from the Federal Government, either to Wisconsin or Michigan. Your committee find that up

to the year 1850, there had been sold 125,966 78-100 acres of primary school lands, for \$715,486 57-100, the interest of which was annually distributed in the Lower Peninsula, without the Upper Peninsula having received one cent of it; and also, up to the same date there was sold 20,683 24-100 acres of University lands, for \$243,679 08-100, the interest of all of which was likewise disposed of for the exclusive benefit of the Lower Peninsula.

Your committee further find, that the amount of money expended by the Federal Government for roads and other improvements in the Lower Peninsula, amounted to the sum of \$645,724 13-100, whilst at the same time the Upper Peninsula received nothing.

Your committee also find, that all the internal improvement lands, to the amount of over seven hundred thousand acres, were taken and distributed among the counties of the Lower Peninsula, without allowing the Upper Peninsula one acre.

Your committee call attention to the following tabular statement in reference to this branch of the subject:

APPROPRIATION OF INTERNAL IMPROVEMENT LANDS.

Date.		Acres.
1843.	St. Joseph River,.....	5,000
"	Clinton and Kal. Canal,.....	16,000
"	Central Railroad,.....	150,000
1844.	Flint River,.....	5,000
"	Central Railroad,.....	64,000
"	Clinton and Kal. Canal,.....	2,000
"	St. Joseph River,.....	10,000
"	Bridge of Grand River, at Grand Rapids,.....	6,000
1845.	Palmyra and Jackson Railroad,.....	10,000
"	Clinton and Kal. Canal,.....	17,250
"	Central Railroad,.....	20,000
1846.	Central Railroad,.....	20,000
"	Southern Railroad,.....	1,500
"	Bridge Cass River,.....	2,000
"	Bridge Grand River, at Lyons,.....	2,000

Date.		Acres.
1847.	Grand Rapids Canal,.....	25,000
"	St. Joseph River,.....	7,000
"	Clinton and Kal. Canal,.....	5,000
1848.	Holland Colony,.....	7,000
"	Bridge Muskegon River,.....	3,000
"	Bridge Flint River,.....	5,000
"	Clinton River,.....	2,500
"	Detroit and Grand River Road,.....	10,000
"	Detroit and Saginaw Road,.....	2,000
"	Paw Paw River,.....	10,000
"	Paw Paw River,.....	10,000
"	Barry, Eaton and Allegan Roads,.....	4,000
"	Hastings and Battle Creek,.....	2,000
"	Corunna and Bad River,.....	7,000
"	River Raisin,.....	5,000
"	Battle Creek, Bellevue and Charlotte Road,...	5,000
"	Livingston and Genesee Roads,.....	3,000
"	Road from St. Joseph to La Grange,.....	3,000
"	Bridge and Causeway at Grand Haven,.....	4,000
"	Kalamazoo River,.....	4,000
"	Roads in Saginaw and Tuscola,...	3,000
"	Detroit and Grand River Road,.....	7,000
"	St. Clair and Almont Road,.....	7,500
"	Road in Kalamazoo Co.,.....	2,000
"	Pontiac and Grand River,.....	4,000
"	Roads in Clinton Co.,.....	6,000
"	Roads and bridge in Ingham Co.,.....	5,000
"	Eaton Rapids and Michigan Road,.....	3,000
"	Roads in St. Joseph and Cass Co.,.....	7,000
"	Bridge Kalamazoo River,.....	2,000
"	Jackson and Michigan Road,.....	10,000
"	North Wagon Road,.....	20,000
"	Roads in Branch Co.,.....	5,000
"	Roads in Hillsdale,.....	5,000
"	Roads in Livingston and St. Clair,.....	3,000



Date.	Acres.
1848. Roads in Albion and Eaton Rapids,.....	2,000
" Monroe and Dexter Road,.....	3,000
" Roads in Lenawee,.....	5,000
" Bridge in Pontiac,.....	1,000
" Drawbridge over River Rouge,.....	1,000
" Road Holland Colony,.....	5,000
" Road in Kent Co.,.....	3,000
" Road in Ottawa Co.,.....	2,000
Total, .....	555,315

And 240,000 acres, (not swamp lands,) for the purposes of agricultural and military schools in the Lower Peninsula.

*Statement of Moneys expended by the General Government for Improvements in the State of Michigan.*

For constructing pier at La Plaisance Bay, Mich.,	\$ 19,603 00
Improving harbor mouth of river Raisin, Mich.,	110,000 00
Improving harbor, St. Joseph, Mich.,.....	131,113 00
Road from Detroit to Fort Gratiot,.....	48,000 00
Road from Detroit to Grand River,.....	53,500 00
Road from Detroit to Chicago,.....	87,000 00
Road from Detroit to Saginaw,.....	60,000 00
Road from Sheldon's, on the Chicago Road, to St. Joseph river, Mich.,.....	20,000 00
Road from Niles to mouth of St. Joseph river,...	10,000 00
Road from Clinton to the rapids of Grand river,..	8,000 00
Road from La Plaisance Bay to the Chicago Road,	40,608 00
Road from Port Lawrence to Adrian,.....	10,000 00
Road from Vistula to Indiana State line,.....	10,000 00
Road from the northwestern boundary of Ohio to Detroit,.....	20,000 00
Road to connect the Detroit and River Raisin, with the Maumee and Sandusky roads,.....	12,000 00
Road from Detroit to Maumee,.....	5,900 00
Total,.....	<u>\$645,724 00</u>

Thus it is clearly shown that the Lower Peninsula has received the sole benefit of all the expenditures and appropria-

tions made by the General Government, while the Upper Peninsula, set off from Wisconsin, where she might in time have received her fair proportion of such appropriations as were afterwards made to Wisconsin, has been entirely excluded from all participation in the appropriations and allowances made to Michigan—the Lower Peninsula having applied the same to her sole and exclusive use and benefit. Comment upon these facts is unnecessary—the injustice done to the Upper Peninsula is too clear and palpable. Nor does the story of our wrongs yet cease. Not content with leaving the Upper Peninsula thus to struggle alone against an adverse destiny, without sympathy or encouragement from any quarter, we have been called upon to pay heavy taxes for the support of those who have been the innocent cause of this injustice.

It is a fact, that before a single pound of copper was raised, there was put upon the statute books sixteen acts, taxing *prospectively* what we might raise.

All writers upon political economy, and all statesmen agree in affirming the principle that it is not only the duty of Governments, but also their highest wisdom, to encourage the development of the natural resources of the State, by a course of legislation, which, by stimulating industry, tends to enhance the natural products of the soil, whether agricultural or mineral.

Such a course, while it encourages emigration, and attracts capital from abroad, also adds to the wealth of the State, and the prosperity of its citizens. What, then, shall be said of the utter folly and injustice which taxes industry prospectively, and levies tribute upon productions not yet obtained, thus paralyzing the efforts and enterprise of labor, and discouraging the investment of capital. Yet such has been the course pursued towards the Upper Peninsula. We have actually paid thousands upon thousands of dollars upon *prospective* wealth, which we failed to realize.

From the year 1845 to 1853, (at which time the general mining law was passed, taxing the companies one dollar per ton,) all companies were not only taxed upon the amount of their

capital stock paid in, but were also required to pay a tax of one per cent. upon all moneys borrowed. Many of the companies paid a tax upon at least half a million of dollars, for years, without deriving any benefit from their charters, the mines not as yet being made productive.

Compelled continually to borrow money in order to continue the work upon their locations, the poorer and more indebted they became, the more heavy became their tax; thus presenting the singular, nay, almost ridiculous, spectacle of a State levying a tax upon debts, instead of property—upon poverty, in place of wealth—a policy without parallel in its folly and injustice. Your committee are pleased to find that a different policy has been pursued in relation to mineral productions in other parts of the State. By the session laws of 1860 and 1862, it will be seen that not only was a liberal bounty given to those engaged in the manufacture of salt, but also all their property, both real and personal, employed in such business, was exempt from taxation. This is as it should be. It is a policy dictated by both prudence and wisdom, and in accordance with the soundest principles of political economy. But why this distinction, so wide and palpable, between the Upper and Lower Peninsulas? Are we to be excluded from all fellowship in the benefits of the government and institutions under which we live? Must we alone be forced to pay tribute, and treated like a conquered people, rather than as fellow citizens, bound together by the sacred ties of blood and kindred, and equal members of the same commonwealth? If we are to be excluded from all the benefits of government, then in common justice, release us also from its burdens.

So keenly have the people of the Upper Peninsula felt the wrong and injustice done them in this, and in fact in all particulars, that for three separate times have they come before the Legislature of this State, by petition, almost unanimously signed by the citizens of the Upper Peninsula, praying that they might be released from all political connection with the Lower Peninsula, and be set off as an independent territory, in

order that they might thus receive that aid, encouragement and support that has been granted to other territories. But you have refused to let us go, and still do refuse, and thus far have refused to do anything to put us upon an equality with the counties of the Lower Peninsula. Geographically we have no real connection with you.

Isolated by the laws of nature, we do not belong to you. We derive no benefits from you.

The Upper Peninsular has not as yet cost this State a single cent. She has paid taxes for your benefit, the amount of which overbalances by one hundred fold, all you have ever expended on our account. You are largely our debtor. In fact, all that the Lower Peninsula has ever returned to us for our benefit, is the salary of the District Judge—\$1,000 per annum; the salary of the District Attorney—\$800 per annum—and the pay of our Representatives.

Our very position deprives us of all participation in the enjoyment of your schools, Universities, Asylums, and other public institutions. For seven months in the year we have to traverse the three separate States of Wisconsin, Illinois and Indiana, in order to reach the Lower Peninsula at all; and yet we are heavily taxed to support these same institutions, which are for your exclusive benefit. If you are thus determined to retain us, let it not be solely for the ignoble and tyrannical purpose of taxing and oppressing us. Rather let justice and equity prevail. Foster our industry, and thus add to your own wealth. Admit us to a fair participation in the benefits of the Government, and thus increase your own peace and prosperity. Treat us as fellow-citizens and equals, and not as colonial dependents and inferiors. We ask no more—no less.

Your committee further find that the industry of the Upper Peninsula is heavily taxed upon a large tract of land, (some 352,000 or 353,000 acres,) all of which lies in the Lower Peninsula.

This will be rendered plain by a reference to joint resolution No. 13, laws of 1861, by which it appears that the taxes remit

ted to the St. Mary's Canal company, are to be reimbursed to the several counties where the company's lands are situated, out of the tolls collected upon said canal; all of which, in the shape of freight, falls upon the consumers, and thus is, in effect, a heavy tax upon the industry of the Upper Peninsula, for the exclusive benefit of counties located in the Lower Peninsula. Your committee fully believe that not only a sense of justice will induce you to give us our rights, but your own self interest will plead in our behalf. By a reference to statistics, it will be discovered that we make a home market for the products of the Lower Peninsula, of some *five millions of dollars per annum*. While we buy everything of you, you buy next to nothing of us. The copper which we raise, all goes to the eastern markets. Thus this home market which we have created for you, is also for your exclusive benefit, for which you give us nothing in return, but the luxury of paying taxes. Your committee call attention to the following statement of articles purchased by the Upper Peninsula during the year 1861, compiled from statistics furnished by the Detroit Board of Trade, and other sources:

Articles.	Total.
Tons of ground feed,.....	1,711 $\frac{1}{4}$
Tons of powder,.....	325 $\frac{3}{4}$
Flour (bbls.).....	22,743
Wheat, (bu.) .....	223
Coarse grain, (bu.).....	76,830
Beef, (bbls.).....	1,951
Pork, (bbls.).....	2,814
Bacon, (bbls.) .....	680
Lard, (bbls.).....	319
Butter, (lbs.).....	217,712
Cheese, (lbs.).....	59,014
Tallow, (lbs.).....	14,560
Candles, (lbs.).....	99,116
Soap, (box and barrels,).....	1,926
Apples, (bbls.).....	3,111

Articles.	Total.
Dried fruit, (lbs.).....	44,295
Sugar, (lbs.).....	282,390
Coffee, (bags,) .....	602
Tea, (chests,).....	755
Vegetables, (bu.).....	14,479
Salt, (bbls.).....	3,014
Vinegar, (bbls.).....	261
Tobacco, (lbs.).....	49,441
Coal, (tons,).....	11,507
Nails, (kegs,).....	4,200
Merchandise, (tons,) .....	4,766½
Lime, (bbls.,).....	2,057
Lumber, (M.,).....	394½
Shingles, (M.,).....	16
Lath, (M.,).....	1,340
Window Glass,.....	438
Hay, (tons,).....	637½
Horses and Mules,.....	185
Cattle, (heads,).....	2,660
Sheep, (heads,).....	1,109
Hogs, .....	927
Bricks, (M.,).....	927
Furniture, (pcs.,).....	432
Hides,.....	6,967
Furs and pelts, (bdls.,).....	1,423
Machinery, (tons,).....	1,244
Engines and boilers,.....	478½
Wagons and buggies,.....	11
Fish, (bbls.,).....	87
Liquor, (bbls.,).....	1,149½
Malt, (bbls.,).....	7,142
Ale and beer, (bbls.,).....	32,032
Eggs, (bbls.,).....	4,968
Feed, (bags,).....	670
Iron bars,.....	4,518

Articles.	Total.
Iron, (bund.,).....	1,841
Leather, (rolls,).....	393
Oats (bu.,).....	84
Oil, (bbls.,).....	40,805
Potatoes, (bags,).....	496
Peas, (bu.,).....	3,608
Seeds, (pkgs.,).....	227
.....	125

This trade, for the year last past, will exceed the figures above given for the year 1861, by at least twenty-five per cent., and is steadily increasing. It is a home market for your products, to which you are solely indebted to the Upper Peninsula, and everything is bought and paid for at your docks, without any extra expense, for insurance, commissions, &c.

It will at once be apparent that the continuance and increase of this trade, depends upon the permanent and increased prosperity of the Upper Peninsula; in other words, of the ability of the consumers to pay, and their increased numbers and wants.

The Upper Peninsula, engaged almost exclusively in mining enterprises, must remain for years dependent upon the Lower Peninsula for supplies, and it remains for you to determine whether by fostering the industry of the Upper Peninsula, and thus increasing its wealth and population, you will increase her trade with you; or whether, by a continued system of oppression, taxation and unjust legislation, you paralyze our enterprise and cripple our resources, thus directly impoverishing yourselves, by diminishing or destroying our trade.

Your committee have thus briefly alluded to the past history and present condition of the Upper Peninsula, for the purpose of showing how unjustly its inhabitants have heretofore been treated, and how completely and systematically all their interests have been ignored. They would now call your attention more immediately to the specific measure referred to them.

It is not proposed nor desired to stop the specific tax of one dollar per ton, now levied upon the products of the mines,

or to change in any particular the laws or mode of taxation. All that is desired is that the money arising from such specific tax, be remitted to the respective counties wherein it is raised, to be used for the benefit of such counties, by expending the same therein, for building roads, bridges, and making such other internal improvements as may be deemed necessary for the public benefit. And this we ask for the period of *five years* only.

Your committee would call attention to the following considerations, bearing directly upon the matter at issue:

The companies which are taxed by a specific tax, constitute a large portion of the wealth, and own a large part of the real estate of the Upper Peninsula; and consequently the other taxes fall proportionately heavier, nay, almost exclusively, upon private individuals, not connected with or belonging to mining associations, while, at the same time, the dividends of the companies go to the east, and do not enrich us. It is for this reason that we desire that the specific tax be remitted to us, in order that our burden may be lightened, and we thus enabled to make such public improvements in the several counties as are so much needed.

Your committee are confident that you will see the great necessity of making such improvements, when you remember that the counties of the Upper Peninsula are separated from each other by from *sixty to one hundred and twenty miles of dense wilderness*, in a mountainous country. Our worst and most impassable swamps are upon the mountains, and that, too, in localities where roads must needs run, in order to accommodate the mining interests. There is, as yet, no connection between the counties sufficient to admit of the passage of a horse during the summer months. So isolated are the various points from each other, that Judge Goodwin, (our able district judge,) has been compelled to adjourn his Court for weeks, until the elements would permit the passage of a boat around the lake shores, thus being compelled to travel in some instances, a distance of two hundred miles, in order to reach a point



some sixty miles distant, had there been a road admitting of a passage over-land.

Your committee earnestly hope that the proposed measure will become a law. In their opinion it is not only a just and proper request on the part of the inhabitants of the Upper Peninsula, but will, while it greatly benefits them, also tend largely to increase the wealth and prosperity of the whole State. As in the human body, so with bodies politic, if one member is deprived of its proper nourishment and protection, the whole body suffers likewise. So by oppressively taxing, and unjustly neglecting the interest of one portion of the State, you impoverish and retard the prosperity of all the other portions. On the other hand, by fostering the industry, encouraging the enterprise, and developing the resources of the Upper Peninsula, the Lower Peninsula will share in the benefit, and the wealth and prosperity of the whole State be largely increased. Locked in the rocky bosom of the Upper Peninsula lies hidden untold wealth, which will one day make Michigan more opulent than California.

The day is not far distant when civilization and population must penetrate, explore and subdue the whole of that territory.

Prosperous and commercial cities will yet border the shores of that vast inland sea, Lake Superior, and this State rank as the most wealthy and powerful in the Union.

But before this can be, the country must be penetrated and explored; roads must scale the heights and traverse the valleys; bridges must span the mountain torrents, and the means of secure and rapid transportation and travel be obtained. Will you then be so blind to your own interests; so unmindful of our necessities and claims, as to refuse to extend to us a helping hand, and by the passage of this measure inaugurate a more liberal and enlightened policy towards the Upper Peninsula? Learn wisdom, and take warning from the past; let not the future be marked by that unjust and blind—that “penny wise and pound foolish” policy, which has disgraced the legislation of former years.

"Do not understand us as asking alms or craving that which is not morally and justly our own." We only ask that which is our right, and which is equally for your benefit and ours.

"The hardy pioneers of the Upper Peninsula, who have encountered and overthrown obstacle after obstacle, and broken down barrier after barrier, are your brothers—your sons; they, too, are of the Lower Peninsula. They are delving deep through the rocky beds of mother earth, disemboweling and upheaving her mineral wealth, to enrich you, and aggrandize the State."

In conclusion, your committee would respectfully recommend that the specific tax now levied upon the mineral products and corporations of the Upper Peninsula, be remitted to the respective counties in which it is raised, to be expended in such counties in building roads and bridges, and making such other public and internal improvements as may be needed, and that the same be remitted for a period of five years; and herewith report a bill for that purpose, entitled

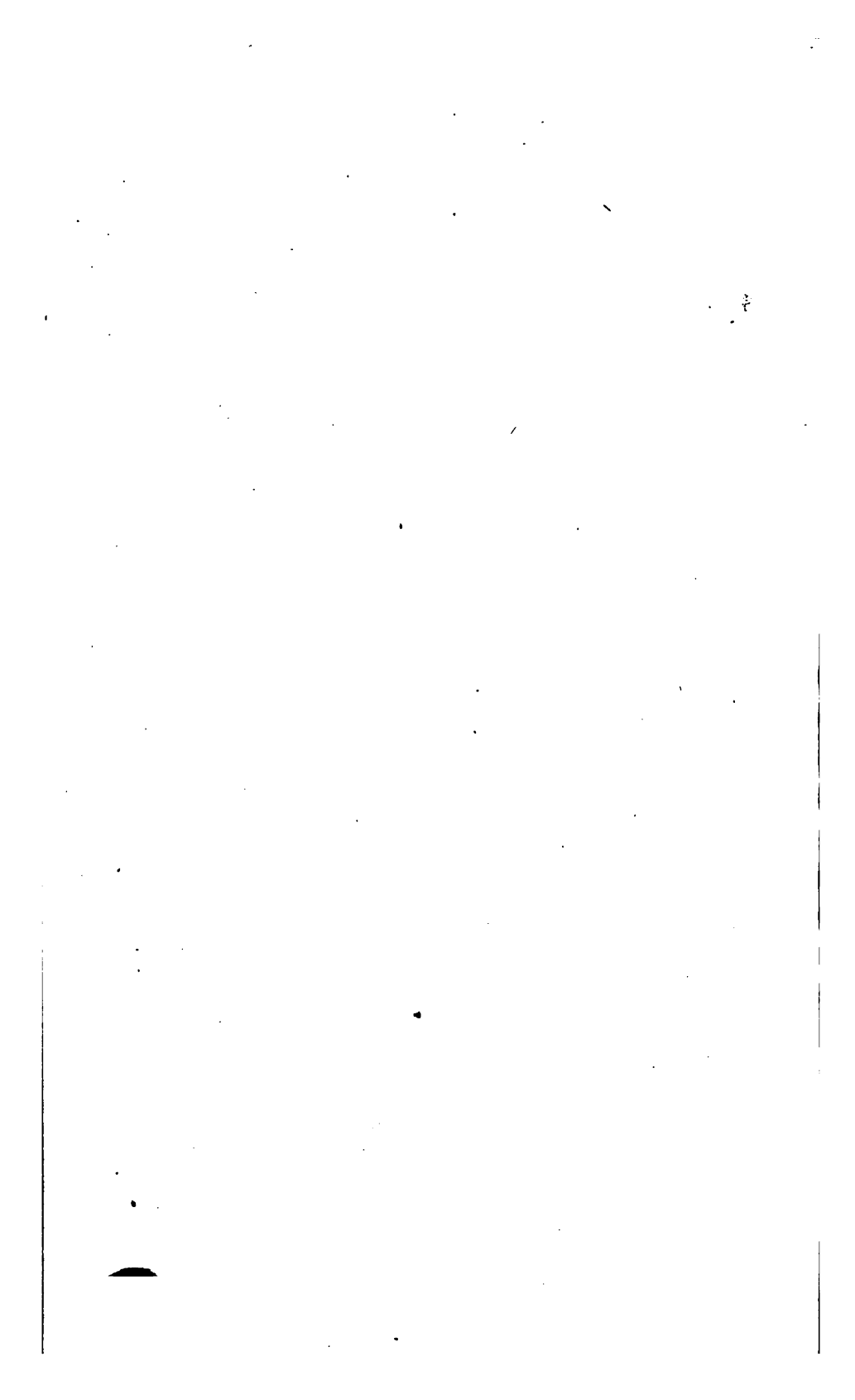
A bill to remit the specific tax upon mining, manufacturing, smelting and other companies, of the Upper Peninsula, to the counties in which they arise, for the period of five years, and to provide for the application of the same;

And recommend the passage thereof.

Respectfully submitted.

ABNER SHERMAN, *Chairman.*





] No. 5. ]

**REPORT of the Committee on Elections, in relation to the petition of Hon. Henry Miller, claiming the seat occupied by Hon. John N. Donaldson, as Representative from District number one, of Oakland county.**

The committee on elections, to whom was referred the petition of Hon. Henry Miller, claiming the seat occupied by Hon. John N. Donaldson, as Representative from district number one, of Oakland county, respectfully ask leave to report that they have had the matter under consideration, and have instructed me as their chairman, to report that they have heard the allegations and proofs produced by the respective contestants, memorandums of which proofs, with the election returns of the towns of Avon and Addison, in said district, accompany this report. And your committee find that the towns comprising said Representative district, are Addison, Troy, Avon, Oakland and Oxford, in said county of Oakland. That the whole number of votes cast in said district at the general election held November 4th, 1862, for Representative, by the official returns of the inspectors of the said several towns, were 1394, of which number, according to such returns, John N. Donaldson

received 692, and said Henry Miller received 691, making Donaldson's majority one. That the whole number of votes so cast for Representative in the said town of Addison, according to such official returns, were 209, of which, according to said returns, said Donaldson received 156, and said Miller 53, making Donaldson's majority in the said town of Addison 103.

Your committee further find, that it was upon the returns of the inspectors above mentioned, that the board of district canvassers of said district acted, in making up their official canvass, and made their findings according to such returns. But your committee are satisfied, after a full consideration of the proofs produced before them, that the said returns from the town of Addison are incorrect, and were illegally made up; and that the majority of 103 so found for Donaldson in the town of Addison, exceeds the majority which he actually received in said town, or to which he is legally entitled, by 5 votes; and they submit the following facts found by them in support of their conclusions:

That said Donaldson, on the day of said election, was the town clerk of said town of Addison, and as such, officiated as one of the inspectors of election, with Jacob Bowers, the supervisor, Lester Sowles, justice, and another clerk; that on the evening of election day, after the polls were closed, the said inspectors proceeded and canvassed the votes polled at said election, and publicly declared off the majorities of several of the principal candidates; among them the majority on Representative in the Legislature, declaring the majority for John N. Donaldson, over Miller, to be 98; but whether they publicly declared off the majorities on all the candidates, or the whole number of votes received by the respective candidates on that evening, the evidence before your committee does not determine. That after closing the canvass, on that evening, the inspectors strung the ballots upon a thread, replaced them in the box, and locked it, said Donaldson taking the box, and said Bowers the key. That said inspectors then adjourned to the following day, to make out their statement of the result of

the votes polled at said election. That on the following day, Wednesday, after election, Bowers and Donaldson, two of the inspectors, the others not being present, again met, and re-examined the tally lists kept by the clerks of said election, and altered the result found and publicly declared by them the previous evening, by adding from tally lists two more to Donaldson's vote, increasing his majority over Miller, in said town of Addison, to 100, but did not re-count the votes.

That said inspectors then made out the statement of the returns of said election, putting in the whole number of votes received by the several candidates at said election, with the exception of the votes for Representatives, spaces for which were left blank. In all other respects the said statements were completed, and the box locked, and the aperture of the box sealed up and delivered to the Clerk, said Donaldson. That subsequently, and on the following Monday, at the request of said Donaldson, and upon his expressing dissatisfaction with the result of the previous canvass, and suggesting that he thought there must be a mistake in the previous count of the votes, said Bowers and Donaldson met at the residence of said Donaldson, and re-opened the said ballot-box, and re-canvassed said votes on Representative, increasing, as the result of such re-canvass, the majority of said Donaldson over said Miller, 3 votes more than was found on Wednesday, the day after election; thus making Donaldson's majority over Miller, in said town of Addison, 103—the same as contained in the official returns of said inspectors—no others being present at said re-canvass, but the servant girl of said Donaldson. That said Donaldson then filled up the blanks so left in the statement of the result of such election, made out on the Wednesday previous, on Representatives, with the number of votes thus found by him and Bowers, and delivered the same to said Bowers, to be by him returned to the board of county and district canvassers, and which is the same statement returned to the board of district canvassers, and upon which they acted in making up

their official canvass, and which statement accompanies this report.

It further appears that when the said ballot-box was so opened by Bowers and Donaldson, on Monday, that there were one or two slips with Henry Miller's name on, loose in the box, having been scratched off or become separated in some way from the tickets on which they were originally placed, during the period intervening between the canvass on night of election, and the re-counting of the votes on the Monday following, and which slips were not credited to Miller on such re-count.

Your committee further find, that said Miller was, on the day of the last general election, November 4, 1862, the town clerk of the town of Avon, in said district, having been previously duly appointed by the town board of said town to fill the vacancy occasioned by the removal of the town clerk elect from the town, and as such clerk was one of the inspectors of election of said town, but that he did not act on the board of inspectors during the day of election, until after the close of the canvass. That by the official returns of the inspectors of election of said town of Avon, to the board of district and county canvassers, and upon which such district canvassers acted in making up their official returns of the votes for Representatives in said district—making their findings according to such returns—the whole number of votes cast in said town for Representative in the State Legislature were 381, of which said Miller received 194, and said Donaldson received 177, making Miller's majority over Donaldson in said town 17, which returns accompany this report. That from the testimony of Alfred Millard, the assistant clerk of election of said town of Avon, it appears that at the canvass of the votes at the close of the polls, when the canvassers unfolded the votes, two votes were found so folded together as to present the appearance of having been deposited in the box as a single ballot; but it also appears, by the testimony of the same witness, that the number of ballots, counting these two votes as one, fell one or two short of the number on poll list; whether one or two, the witness did not recollect, but



that the poll lists kept by the two clerks agreed. That both said votes had the name of Henry Miller on, for Representative, and that both were counted for Miller, by the inspectors, after it was ascertained that, by counting them as two ballots, the whole number of ballots would not exceed the number on the poll list.

And your committee are of the opinion, from the facts of the poll lists agreeing, and the number of ballots falling short of the footings of the poll list, that the said ballots must have become so folded together after being deposited in the box, and that the canvassers were correct in counting these two ballots.

Your committee further find that said Miller received a majority of 17 votes over said Donaldson, in said town of Avon, and that the majority on Representative in the State Legislature contained in the official returns for said town heretofore mentioned, agrees with the majority as found by the inspectors on the night of election.

Your committee further find that said election returns for the town of Avon, were signed by Albert Terry, the supervisor of said town, and by said Miller.

Your committee further report that they are of the opinion, and so find that the two votes so added to Donaldson's majority on Wednesday after election, and also the three votes so added to his majority on the Monday next following election, thereby increasing his majority by five over his majority as found at the close of the canvass on the night of election, were improperly and illegally added thereto, and should be deducted from the whole number of votes returned for him in the official returns of the several towns composing the said first Representative district of Oakland county, viz: 692, thus reducing his whole vote in said district to 687, which, subtracted from 691, the whole number of votes received by said Miller, will leave a majority of four votes for said Miller, over said Donaldson.

Your committee are, therefore, of the opinion, that Henry Miller was legally elected Representative to the State Legisla-

ture, for the first district of Oakland county, at the general election, held November 4th, 1862, by a majority of four votes.

And your committee, therefore, recommend the granting of the prayer of the petition, and that said Henry Miller be admitted to the seat in this House, as Representative from district No. 1, of Oakland county, now occupied by John N. Donaldson.

All of which is respectfully submitted, together with the memorandums of testimony, and election returns for towns of Avon and Addison, in said district; and your committee ask to be discharged from the further consideration of the subject.

THADDEUS G. SMITH, *Chairman.*

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*Evidence taken before Committee on Elections.*

Zepheniah B. Knight, produced and sworn as a witness on the part of the applicant, says:

I reside in Pontiac, Oakland county. Have resided there 18 years. Know Henry Miller and John N. Donaldson. Was county clerk of Oakland county for the two years preceeding the first of this month. Am now the deputy clerk. Was clerk of the board of canvassers for the 1st Representative district in that county last November, on the Tuesday next following the annual election. The witness here produces the official returns of the township of Addison, of that county, of the votes cast at said election.

Witness further says that this is the return that was presented to the board of canvassers of that county and district on that day.

It is here admitted by the sitting member that his genuine signature is attached to said return, as one of the inspectors of election of the said town of Addison.

Witness further says the official canvass of that district was published in one of the papers published in that county.

Witness here produces papers purporting to be the official returns from the several towns composing the 1st Representa-

tive district of the county of Oakland, to-wit: Addison, Avon, Oakland, Troy and Oxford, from which it appears that the votes in said towns were as follows, to wit:

Addison, whole number of votes cast,.....	209
Of which John N. Donaldson received.....	156
“ Henry Miller received.....	53
Avon, whole number of votes cast,.....	381
Of which Donaldson received.....	177
“ Henry Miller “.....	194
Oakland, whole number of votes cast,.....	212
Of which Donaldson received.....	141
“ Henry Miller “.....	71
Oxford, whole number of votes cast,.....	266
Of which Donaldson received.....	138
“ Henry Miller received.....	127
Troy, whole number of votes cast,.....	326
Of which Donaldson received.....	80
“ Henry Miller “.....	246
	691 692 1393

Witness being further examined, says: I know one Jacob Bowers, of Addison. He was supervisor of the township of Addison at time of said election. He appeared and acted as one of the board of canvassers for said district, of which I acted as the clerk. He represented Addison.

*Question.* Did you at such canvass have any conversation with said Bowers, with reference to the canvass of the votes in Addison, or hear him make any statement in regard to it to any person, in the presence of John N. Donaldson.

Which said question is objected to by the counsel for said John N. Donaldson, on the grounds of incompetency.

The committee decided to receive the answer to said question, subject to the said objection.

*Answer.* I don't remember that I had any conversation with Mr. Bowers, but heard him make a statement before said board of canvassers, in relation to the manner in which the board of inspectors of the township of Addison arrived at the result re-

turned by them in this return. He said "the result arrived at on the night of election was not as they finally made, or as it appeared by the return." That at first an informal announcement was made (for the benefit of a messenger who was ready to carry the news to Pontiac) of the result as to some of the principal candidates; among them was the Representative for that district, at which time Donaldson was announced to have received 98 majority. But afterwards, I don't remember whether he said on the same evening or the next day, but one or the other, "the board proceeded to finish the canvass and ascertained the result to be that Donaldson had a majority of 100 or 101." I don't remember which he said, but one or the other, "and that the first announcement was erroneous. That afterwards on the Monday following," (the 10th I believe,) the day before the district canvass, "the board proceeded to unlock the box and recount the votes, and ascertained the result to be as it appears in the official return. That at the close of the first count, the ballot box was closed and sealed. That the sealing was by pasting a paper over the aperture in the box where the ballots were put through." John N. Donaldson was clerk of the town of Addison at that time. Mr. Bowers stated where they met when they made the final canvass. He said "at John N. Donaldson's house; I don't know as he stated who was present except himself and John N. Donaldson. He said that John N. Donaldson was not satisfied with the first count, and thought there must be a mistake, and wanted a re-canvass. He stated that, as a reason why a recount was made. I think Mr. Donaldson said; "that they found on the second count of the votes, tickets which they supposed had been counted among the straight tickets with Mr. Miller's name struck off." Donaldson was present when Bowers made the statements I have testified to, in the same room. Bowers made these statements at the request of the board, publicly. Think Donaldson did not dispute anything. Mr. Bowers said, but he agreed with the Mr. Bowers precisely, as to facts, in the statement he then made to the board. The body of this doubtful return is in the hand writing of Mr. Donaldson.

or since it is to be given to the board.

Mr. Donaldson here admits that the words "nine," "three," and "six," were put in said return on the Monday night before the canvass, by the district board, in the blanks that had been left for that purpose. That the return had been made out, with blanks left to insert the numbers, between meetings of the board of inspectors of election, and these blanks were filled up when the final result was ascertained, on Monday, and before they were signed. Bowers said that he took the key, and Donaldson took the ballot-box.

*Cross-examined.*—Says that I know Henry Miller. He was one of the inspectors of election in the town of Avon, acting as deputy clerk, I think. Mr. Bowers said something about a disagreement in the tally lists kept by the clerk, and that was given as a reason why a re-canvass was made. I think both Bowers and Donaldson stated this. Do not remember whether Bowers said the votes were re-counted that night, or the next day. Recollect something was said about somebody being sick, but do not remember who it was that was sick.

David W. Kleinhall, produced and sworn upon the part of the applicant, says:

I know Jacob Bowers and John N. Donaldson.

*Question.*—Did you have conversation with them in relation to the canvass of the votes for Representative, in the township of Addison, at the last fall election?

*Objection,* upon the same grounds as the former objection.

*Answer.*—I did. It was on the morning after the district canvass was made. On Thursday morning, I think, Mr. Bowers and Donaldson came into our store, and Bowers said to me, "Miller is very mad at me." I said "I guess not—why?" He said, because of the way I answered him on Tuesday, when he inquired of me how Addison had gone, and I answered by asking him how Troy had gone, and he told me he did not know—he had not seen the inspectors—and he asked me again if I did not know how Addison had gone, and I told him I did not; but about 100 majority for Donaldson. That at first we had made it only 92, but afterwards found one or two more votes.

Bowers then stated: "That after we got through the count, on the night of election, we, on the next day, examined the tally list and found a mistake of two." He did not say how they found the error, but said, "Dr. Donaldson and some of his friends were dissatisfied with the count, and we re-counted the votes on the Monday night previous to the district canvass. We found nine ballots with no one on for Representative, which increased Donaldson's majority three." He said, "this took place at the Doctor's house, and that some one was present." I asked, "who?" and he said, "a girl that worked for the Doctor was in the room, and no one else." Donaldson was present during the whole of this conversation.

Being cross-examined, says:

Bowers said something about adjourning, because some one was sick. I think it was Mr. Hagleman he mentioned as being sick. He said they met at Donaldson's house for the last count. That is all I recollect of that conversation.

Mark S. Brewer, produced and sworn on the part of the applicant, says:

I was at Lakeville, in the township of Addison, in Oakland county, on the day of the last general election. Was at the polls during the day. Was there at the close of the canvass, and during about two-thirds of the count of the votes. It was on election day, immediately after the close of the polls. The inspectors of election were Jacob Bowers, Lester Sowls, John N. Donaldson. They had an extra clerk. While I was present, Jacob Bowers called off the votes. He sat at the end of the table, and would open the box, take out a vote and look at it, and if no marks were on it, would call it a straight Union or straight Republican ticket, as it happened to be. They were then passed to Mr. Sowls, who re-examined them. At this time, Mr. Donaldson and the other clerk were keeping tallies and putting them down. They finished not far from eight o'clock P. M. After they got through with the count, counted the tallies and figured up the majorities of some of the principal candidates, among them the one for Representative, and declar-

ing his own to be 98; declared the majorities to Mr. Bowers, who wrote them down on a ticket for a messenger going to Pontiac, declaring them loud enough for those around to understand. I took the same down as they were given off, for my own use. I did not hear the other clerk say anything. There was no declaration. That count was made to give the result to the messengers. The majorities were figured from the tally sheet, after all the votes were counted, and the ballots were returned to the box. I had conversations with Bowers about that canvass about nine days after that.

*Question.*—What did he state in that conversation relative to the canvass?

Objected to by sitting member, as incompetent.

I met him the next morning after the district canvass. He took out some papers and said "Henry is a little mad," referring to Mr. Miller. We got into conversation about the election. He said "They made Donaldson's majority 98 that night of the election. That the clerks found a mistake in the tally lists next day which gave the doctor two more, or made his majority one hundred." I think he said "he was not there and knew nothing of that." That if there was any fraud in it, he had nothing to do with it. That they met the next Monday night at the town clerk's office, at Donaldson's house and re-counted the votes. That the doctor and his friends were a little dissatisfied and we concluded to re-count the votes." He said "he told them that they did not know as they had a right to do so. That he had charge of the key and Donaldson the box,"

Being cross-examined says: I left the polls immediately after the majorities of a few candidates had been declared.

O. R. Adams being produced and sworn upon the part of the applicant, says:

I know Jacob Bowers. I was present before the board of canvassers, at Pontiac, on the 11th of November last, as a member of that board. The question of the legality of Donaldson's election was raised before that board by Mr. Henry

Miller. Mr. Donaldson then explained the circumstances attending the counting of the votes as has been testified to here. He said that on the evening of the election they canvassed the votes and figured up the majorities of some of the principal candidates, and among them the one for Representative. These figures he handed to a messenger going to Pontiac. By those figures his majority was 98. The ballots were then strung on a thread and returned to the box, which was locked. The board adjourned till the next day to make out their statement. They met the next day. I do not recollect where he said they met. They then made out the statement leaving blanks in the places where they were to put the number of votes of the office of Representative. I do not recollect that anything further was said about the transactions of that day. He said "they met the next Monday night at Mr. Donaldson's house." I did not understand that on the day following the election there was any re-counting of the votes, but that there was on Monday. He said "his majority, as figured on Tuesday, was 98. That on Wednesday they discovered from the tally lists a mistake, which made his majority one hundred, or one hundred and one," I am of the impression it was 101, but Mr. Knight said 100 in his testimony. I think the majority was increased there by the mistake in the tally list. That on Monday night, the re-counting, increased Donaldson's majority two, making it 100 at that time. The statements of Donaldson and Bowers agreed.

Bowers said "that there were two slips of Miller's in the box that had got rubbed off. I think it was one or two, would not be positive which. The return was made out in full, all except the number of votes for Representative." I understood that it was signed, but did not pay so much attention to the remarks about the signing as I did to those about the making out understood, was made up on Wednesday, with the blanks left of the body of it, and am not positive about it. The statement, I to be filled up. This is the substance of their statement before the board of canvassers. They did not state they re-counted the votes for candidates for other offices, except Representative.



Cross-examined, says: I was not present at the district canvass. I did not understand that there was an adjournment on Wednesday. Do not recollect that any reason was given why the matter was laid over from Wednesday. There was something said about the assistant clerk being sick on Tuesday evening; not on Wednesday. That the adjournment to Wednesday was in consequence of his sickness.

Mr. Bowers did not state that he examined the box particularly to see if there was anything wrong, and to see if there was any slips loose, and found everything all right. I don't recollect what was said about the signing, but think it was said that it was signed on Wednesday by all but the clerk. Something was said about Sowles not being present. My recollection as to what was said about the signing on Wednesday, is imperfect. Both of them stated that the supervisor took the key, and the clerk took the box, and they were not brought together until Monday, when the box was opened, and a recount made.

Benjamin B. Ketchum, a witness produced and sworn upon the part of the sitting member, John N. Donaldson, says:

I reside in Addison, Oakland county. Was at the election held in that town on the fourth of November last. Was present when the votes were counted. I was near enough to see all that was going on, and watched the proceedings close. The supervisor would take the tickets from the box, hold them up to the candle, and if no names were scratched off, would say straight Union, or Republican, as it happened to be. I was near enough to see the tickets. I saw that some of them had their names erased. They were, when counted, handed to Esq. Sowles, and he strung them as fast as they were counted. I could not say that he tied the ends of the thread together. Watched the clerk, as they kept tallies most of the time. I saw mistakes made in the keeping of tallies. There was one mistake made by Mr. Donaldson, beyond any doubt. It was a Republican ticket, with Miller's name erased, and John N. Donaldson's name in the place of it, on a slip. This vote he did

not tally to himself. When it was called, he ran his finger down the list to his name, and put the tally on the line above or below, I do not know which. I spoke to him about it, and told him "he did not give that vote to himself." He said, "I guess I did; I am not in the habit of making mistakes." I said "I guess you have this time, but have nothing further to say." I did not see that mistake corrected. I was present when the majorities were made up on a part of the candidates; not all of them. The figures were given to me to take to Pontiac. Donaldson gave me the figures. I left immediately, and was not present at the closing up of the business. Was at Addison the next day. Was present while the board was in session. They were pretty near through when I got back. The inspectors of election were Jacob Bowers, Lester Sowles, John N. Donaldson, and William S. Hagerman, extra clerk. There were but two of them present on Wednesday, Jacob Bowers and John N. Donaldson. The board adjourned on account of the absence of the rest of the board, I believe. I heard something said about it then. I had some conversation with Bowers.

Cross-examined, says: The majority of Donaldson, as he gave it to us on the night of the election, was 98. I think that on Wednesday, I spoke to him about the mistake; Donaldson said there was a mistake on the paper he gave me, of two; I told him his majority in the district was seven; I heard that this was not so a day or two afterwards.

Alfred Millard, produced and sworn, on the part of the sitting member, J. N. Donaldson, says: I reside in Avon, Oakland county; know the contestants. At the last general election, the inspectors of election for the township of Avon, were Mr. Terry, supervisor, Burbanks, justice, John Roberts, and myself, as clerks. I acted as clerk at the request of Mr. Miller. He was appointed clerk of that township on the Saturday before the election, by the supervisor and justice; I saw notices of election signed by Henry Miller, as deputy clerk; Miller was present at the election, but did not act; it was on the Saturday before election that he asked me to act as clerk, on election

day. He, on that day, drew up an appointment of clerk to fill the place of the clerk who had left, leaving the name blank, and the town board, upon motion, inserted his, Miller's, name, and the appointment was signed. This was on Saturday, before election, while the board of registration was in session.

The paper purporting to be the return of the township of Avon, shown to witness, who says:

The body of it is in Miller's handwriting; Mr. Miller was present at the opening of the polls; he did not take his seat as clerk, or act as one of the board of inspectors on that day. I was present at the canvass of the votes; I saw a double vote then. After the polls had been closed, pursuant to declaration, we unlocked the box, and emptied out the votes upon the table and proceeded to ascertain the whole number of votes, I with the rest. We counted votes and compared the number with the footing of the poll list. I think we found the number short, can't say how much; one or two, I think. There had been errors on the poll list discovered during the day, as for instance, a number was repeated twice; Miller had made out the poll list and put the numbers on, and handed them to us. There were two repetitions in one list, and one omission in the other, or "vice versa." I have examined the poll list; did so on the fifteenth, (15th,) instant. They have, since election, been in Mr. Miller's office. I counted the names; there were 374 names on the poll lists; the two lists tallied; have not seen the votes since election; I found double tickets among the votes at the time of canvassing them. In unfolding the votes, I found two votes folded together. They looked as though the votes had been placed together, and folded up before they were voted; do not think they could have got together in that way, in the box; do not believe they could; did not believe so at the time, and said so to the board.

Those votes were both counted in the canvass. Both were votes for Miller, for Representative. I called the attention of the board to them. There was a good deal of talk about it by those outside. They were carefully compared to see if the

folds of the tickets were alike, and they were. Then they were put under the candlestick until the rest of the votes were counted.

The paper purporting to be the official return from the town of Avon, shown to the witness, who says:

I do not know when this was written. I know that Miller drew up a return, or statement, on the next day after election. Mr. Terry was present. I presume this is the one, but do not see anything upon it by which I can identify it as the one. It is in the hand-writing of Mr. Miller.

Being cross-examined, says: After the rest of the votes were counted, Mr. Burbank made a motion that the two votes be counted. Mr. Terry was silent. Roberts and Burbank voted for the counting. Terry did not vote for it. They were counted. The majority for Miller, I think, was 17. I presume this statement is correct, as I announced it—could not say positively. I read off, or announced the result. I think Mr. Miller and myself compared the statement, or return he made out, with the tally lists. They agreed, all through. The number of votes counted was less than the number of names on the tally lists. We all counted votes, and gave the numbers to one, who figured them up. This was done before the votes were unfolded. There were 374 names on the poll lists, I think.

Being re-examined, says: I was sworn in by Mr. Miller, on the day of election.

Zepheniah B. Knight recalled upon the part of the sitting member, and to whom was shown the returns from the township of Avon, of the last election, says: They are the returns made last fall. Henry Miller presented those returns. He appeared as one of the canvassers, and presented them just as they appear. I think the statement is in his hand-writing. There was objection made before the board of canvassers, on account of the fact that it did not appear by the returns that a majority of the board of inspectors had joined in the appointment of a delegate to the board of county canvassers. It was laid upon the table for a while, and was finally received as it is.

[ No. 6. ]

**MINORITY REPORT** of the Committee on Elections, in relation to the petition of Hon. Henry Miller, claiming the seat occupied by Hon. John N. Donaldson, as Representative from District number one, of Oakland county.

The undersigned, from committee on elections, to whom was referred the petition of Henry Miller, contestant for the seat now held by John L. Donaldson, as member of this House from the 1st Representative district of the county of Oakland, asks leave to report that he has examined the allegations in the said petition set forth, and the evidence of the parties contestant, with the following result:

As the main issue of fact made in this case by the contestants, was in relation to the number of votes cast for the parties respectively, in the township of Addison, in said district, I have endeavored to determine from the evidence, what majority John N. Donaldson did actually and legally receive in said town. Without stopping to inquire as to the propriety of considering the testimony of Knight, Kleinhans, Adams and Brewer, as to the statements made by one Bower, sometimes in the presence of Donaldson and sometimes not, but giving it the

weight the majority of the committee seem to give it, let us see if the contestant establishes the sweeping charges in his bill, or proves beyond a reasonable doubt, that John N. Donaldson did not receive a majority of 103 in the town of Addison. By doing so, we do not mean to admit that it was proper to receive as the sole evidence upon which to convict a member of this House of a high crime, and unseat him, or keep from his seat a person legally entitled thereto. Inasmuch as the evidence adduced by the contestant shows conclusively that there was within his reach direct testimony as to the truth or falsity of his allegations, we feel bound to scrutinize carefully the testimony he does introduce, and give it the construction most favorable to the sitting member that it will permit of. Upon the contestant is the burden of proof. If he relies upon merely raising a presumption in his favor, that presumption must be so strong as not to admit of a reasonable doubt.

Without repeating the testimony, as it is reported, we will merely refer to facts that we think are shown by it. Donaldson was clerk of the town of Addison, and one of the inspectors of election, on the 8th of November last, and while thus acting as clerk, when the votes were counted and some were read off that had his name posted over the name of Miller, he failed to tally that to himself, but did tally it to some one else; at least, he placed the tally of that vote upon the line next above or next below his name. His attention was called to the mistake. It was not corrected because, he it may be, through pride, and because he failed to be convinced that he had made a mistake, thought he had not.

This vote could not have been tallied upon the line of the name of the office, or on any other line, without his discovering it immediately, and correcting it. As it appears from the returns from that town, that no votes were given for any other person for the same office, and considering that, according to the usual form of tally lists, first, the name of the office, then that of one candidate, and following that, the other, or others, if more than two candidates are in the field, and then one common blank

lines.) Miller's name immediately preceded or followed Donaldson's name, we are forced to the belief that this vote, spoken of by Benjamin Ketchum, was erroneously tallied to Miller's name. After the votes were all counted, Donaldson, in order to send to Pontiac news of the result, figured up the majorities of some of the principal candidates, among them his own, which, in accordance with his figuring, he declared to be 98. No formal announcement was made. This figuring up of the majorities of some, was merely for the purpose of the messenger. Either on the same night or on the next day, at the adjourned meeting, (the witnesses are in doubt which was the time,) a mistake was found in the tally list, according to the witnesses retelling statements, not testifying to facts, a correction of which made Donaldson's majority 100; or 101. (Here, again, the witnesses are in doubt about the number stated—strong proof that this hear-say evidence ought not to be relied upon.)

If we put the construction upon the testimony to this point, that common sense dictates, and consider the character of the testimony, and also the fact that up to the time of the discovery of the mistake, Donaldson, or his friends, could have had no motive to criminally strike out, or add to the tallies, the most reasonable conclusion is, that the correction spoken of, was merely a correct counting of the tallies on the list, and this correcting the conclusion that he arrived at, while figuring for the benefit of the messenger—merely showing that he then figured wrong.

And when the witnesses speak of Bowers saying that by this correction he increased Donaldson's vote to 100 or 101, it cannot surely be claimed by this House, as the majority of the committee seem to think, that Bowers intended to be understood that they stuffed the ballot-box, by putting in two or three more ballots. Bowers had been speaking of Donaldson's majority of 98, and had not the number of votes in all cast for him. He says he increased his vote from 98 to 100 or 101, and not from 153 to 154 or 155, referring to the number of ballots.

Inasmuch as there is a doubt as to whether the tally list showed Donaldson's majority to have been 100, or 101, we give the sitting member the benefit of the doubt, as he is entitled to assume that from the tally list, by correct count of the tallies, his majority appeared to be 101. And we are not governed alone by this rule, as to who has the benefit of a doubt. We consider this fact, that a correct re-count of the votes would correct the mistake in tallying, testified to by Ketchum. Would have taken one from Miller, and added one to Donaldson's vote, and thus have increased his majority two.

It needed but this correction to make his majority 103, if by correct count of the tallies he had 101 majority. We conclude that the re-count, though made at the wrong time, merely corrected the mistake, and effected nothing more than to give to Donaldson the majority he was legally entitled to. With the rule that every man is to be considered honest and innocent until proved guilty or dishonest, it is fair to presume that the re-count, made at the wrong time, was nevertheless made correctly.

I can see nothing in the evidence that tends to show that Donaldson and Bowers, or either of them, intended to commit a fraud in making the second count. I am firmly convinced they acted in good faith. They did not keep it a secret but before the board of canvassers, publicly stated the facts, freely and evidently, with no object but to inform the canvassing board of all the facts. The return is proper in form, full and complete, and it needed no such voluntary statement as was made, to entitle the return to be received and acted upon by the board of canvassers. I cannot, as the majority of the committee seem to, conclude that Donaldson, because he and Bowers, evidently acting in good faith, made this second count, should not receive the benefit of the vote given him, and tallied, in all human probability, to his opponent, by mistake. I can see no crime in correctly counting the tallies on the tally list, even on the day after election; nor can I concede that Donaldson, or rather the people choosing him as their Representative in this



House, should be bound and deprived of their right, simply because he makes a mistake in counting tallies, or it may be in the subtraction of one vote from the other, while preparing a message for Pontiac.

I will not refer to the proofs, made by the sitting member in relation to the canvass, in the town of Avon, and thus lengthen this report. Perhaps I owe an apology for its present length, but I have spread out enough of the facts to warrant me, I think, in making the following recommendation, to wit:

That the petition be re-committed to the committee, with instructions to send for Jacob Bowers, who can testify directly as to mode of conducting the canvass, in what consisted the disagreement of the tally lists spoken of by Knight in his cross-examination; also to send for the tally lists themselves, and the ballot box and its contents, as well the poll lists, and also the poll lists of the town of Avon, and other papers from that town.

I cannot see the propriety of this House proceeding to determine this matter, while so many important claimed facts are left entirely in the dark, to be supplied by the imagination or prejudice of members, and that, too, while direct proof as to those facts is within our reach. If compelled to decide from the light we now have, and giving to the sitting member the benefit of every reasonable doubt, as we are in duty bound, it is our deliberate judgment that John N. Donaldson was legally elected, and is entitled to the seat he now holds, as member of this House from the first Representative district of the county of Oakland, and that the prayer of the petitioner ought to be refused.

All which is respectfully submitted.

**JAMES B. ELDRIDGE.**







[ No. 7. ]

COMMUNICATION from the Commissioner of the State Land Office, giving a statement of lands appropriated by this State.

STATE LAND OFFICE, }  
Lansing, January 21, 1863. }

HON. S. M. CUTCHERON, *Speaker of the House of Representatives:*

SIR:—In compliance with a resolution of the House, of the 15th inst., requesting certain information from this office, I beg to present the following statement:

1. The amount of land granted to this State since its first organization, as near as can now be determined by the records of this office, is 7,566,914.29 acres.

2. The amount of lands appropriated is 1,070,825.07 acres.

The purposes for which such appropriations were made, are as follows:

SALT SPRING LANDS.

Acres  
Appropriated.

Appropriated for.

16,000.00 Asylums.

16,000.00 Normal School.

INTERNAL IMPROVEMENT LAND.

Acres  
Appropriated.

Appropriated for.

5,000.00	St. Joseph river, act 41, 1843.
5,000.00	Flint river, act 30, 1844.
64,000.00	Central Railroad, act 50, 1844.
10,000.00	St. Joseph river, act 57, 1844.
6,000.00	Bridge in Kent county, act 58, 1844.
10,000.00	Jackson and Palmyra Railroad, act 14, 1845.
20,000.00	Central Railroad, act 15, 1845.
20,000.00	" act 67, 1846.
1,500.00	Southern Railroad, act 79, 1846.
3,000.00	Bridge across Cass river, at Bridgeport, act 106, '46.
2,000.00	Bridge across Grand river, at Lyons, act 145, 1846.
25,000.00	Grand Rapids canal, act 19, 1847.
7,000.00	St. Joseph river, act 66, 1847.
5,000.00	Clinton and Kalamazoo canal, act 93, 1847.
7,000.00	Holland Colony, in Allegan and Ottawa counties, act 32, 1848.
3,000.00	Bridge across Muskegon river, and Nawaygo road, act 40, 1848.
3,000.00	Flint free bridge, act 47, 1848.
2,500.00	Clinton river, act 49, 1848.
10,000.00	Detroit and Grand River road, act 75, 1848.
2,000.00	Detroit and Saginaw turnpike, act 76, 1848.
10,000.00	Paw Paw river, act 78, 1848.
4,000.00	Michigan and Allegan road, act 83, 1848.
2,000.00	Hastings and Battle Creek road, act 94, 1848.
7,000.00	Corrunna and Bad River road, act 95, 1848.
5,000.00	River Raisin, act 96, 1848.
5,000.00	Battle Creek and Michigan road, act 103, 1848.
3,000.00	Brighton, Fentonville and Flint road, act 103, 1848.
3,000.00	St. Joseph and LaGrange road, act, 132, 1848.
4,000.00	Road to Hopkins Mills, and bridge and causeway at Grand Haven, act 133, 1848.
4,000.00	Kalamazo river, act 134, 1848.
3,000.00	Holland Colony in Saginaw and Tuscola counties, act 135, 1848.

- 7,000.00 Detroit and Grand River road, act 155, 1848.  
 7,500.00 Lapeer and St. Clair road, act 156, 1848.  
 2,000.00 Vixburg road, in Kalamazoo county, act 158, 1848.  
 4,000.00 Pontiac and Grand River road, act 159, 1848.  
 6,000.00 Roads in Clinton county, act 160, 1848.  
 5,000.00 Bridge and streets at Lansing, act 174, 1848.  
 3,000.00 Eaton Rapids and Michigan road, act 189, 1848.  
 7,000.00 Constantine and Paw Paw road, act 190, 1848.  
 2,000.00 Kalamazoo bridge, act 283, 1848.  
 10,000.00 Jackson and Michigan road, act 284, 1848.  
 20,000.00 Northern wagon road, act 285, 1848.  
 5,000.00 Branch county roads, act 286, 1848.  
 5,000.00 Hillsdale and Indiana road, act 287, 1848.  
 3,000.00 Road from Lexington to Rogers' Mills, act 288, '48.  
 2,000.00 Road from Albion to Eaton Rapids, act 289, 1848.  
 3,000.00 Road from Mason to Dexter, act 290, 1848.  
 5,000.00 Improvements in Lenawee county, act 291, 1848.  
 1,000.00 Free bridge across Clinton river, act 292, 1848.  
 1,600.00 Draw bridges across River Rouge, act 293, 1848.  
 5,000.00 Metamora and Holland Colony road, and Cass river bridge, act 294, 1848.  
 3,000.00 Bridges in Kent county, act 295, 1848.  
 2,000.00 Watrousville and Lower Saginaw road, act 114, '55.  
 5,000.00 Clarkston and Lower Saginaw road, act 148, 1857.

SWAMP LAND.

- 400,000.00 State roads, act 117, 1859.  
 200,000.00 Levees and ditches, act 117, '59, and act 107, 1861.  
 11,388.56 Improvement of mouth of Black river, act 168, '59.  
 11,388.56 Primary School Fund, act 168, 1859.  
 2,000.00 Draining swamp in Genesee county, act 168, 1861.  
 25,000.00 German-American Seminary, act 175, 1861.  
 9,447.95 State Agricultural College, act 188, 1861.  
 2,500.00 State road in Mecosta and Oceana counties, 254, '61.

So far as the records of this office show, the appropriations

were made in accordance with the several acts granting the same.

3d. The amount of the several grants remaining unappropriated, is 6,509,477.78 acres.

4th. The amount of swamp land granted, for which no patents have been received, is 458,384.18 acres.

Very respectfully yours,

SAM'L S. LACEY,  
*Commissioner.*



Twenty miles for the purpose of supplying the same in future.

*To the Honorable the Legislature of the State of Michigan:*

That the first named company have now completed and in running order, twenty continuous miles of road from Marquette to the Iron Mines and thence to the east branch of the Escanawba river. That in the year 1860 this road carried down from the Iron Mines to Marquette, upwards of 150,000 tons of iron ore; in the year 1861, 50,000 tons, which, owing to the general prostration of business, was all that was offered for transportation; and in the year just closed, about 150,000 tons, besides several thousand tons of pig iron manufactured by furnaces contiguous to the road. The rolling stock of the company is now equal to the transportation of 250,000 tons of ore each year during the season of navigation on the lakes. The

company have expended upwards of \$700,000 in cash upon this road, its rolling stock, machine and car shops, foundry and other appurtenances. It has no floating debt, and no encumbrances upon it of any kind, except to its own stock-holders, and in its appointments it is in all respects a first class railroad.

For further information concerning said road, your memorialists refer to the concluding part of a report now on file in the office of the Secretary of State, made by a committee appointed at the suggestion of the Governor of this State, to examine and report to him the condition of the first section of twenty miles of said road, preparatory to his certifying the fact of its completion to the Secretary of the Interior, pursuant to the provisions of the act of Congress.

They say: "Your committee have passed over the line of said road, from Marquette to the end of the first section of twenty miles, for the purpose of inspecting the same in pursuance of said appointment. For the measurement of the length of said section, your committee would refer to the certificate of Mr. L. K. Dornance, the Chief Engineer of said road, hereto annexed, which they believe to be correct from personal observation, from which it appears that there is now actually completed, twenty miles and upwards of continuous track, commencing at Marquette and terminating near the east branch of the Escanawba river. From Marquette to the Lake Superior iron mines, a distance of sixteen miles and a fraction over, the road has been in successful operation for the last three years. The remainder of said twenty miles was graded last year, and the work of laying the rails has been completed the present season. It is laid throughout its entire extent with T rails, and is in all respects a first class railroad, thoroughly and substantially constructed, and fully equipped. It is provided also with well stocked machine and car shops, a foundry, and various fixed improvements to facilitate its business. Its rolling stock, which is capable of the transportation of twenty-five hundred tons a day, is more than equal to the demands of the business thus far offered to the road.

"Your committee feel no hesitation in reporting the first section of twenty miles as fully equal in its road bed and superstructure to the older railroads of the State.

"Your committee further say, and each for himself says, that he has no pecuniary interest whatever in said road, and that he resides at Marquette.

"All which is respectfully submitted.

Signed:

JOSIAH PHELPS,

P. M. EVERETT,

M. L. HEWITT.

Endorsed:

"The within report is accepted and approved, Nov. 20, 1862.

AUSTIN BLAIR, Gov'r."

That said first section of twenty miles has been officially accepted.

And your memorialists further represent, that neither of the other three railroad companies in the Upper Peninsula, which received grants of land, have found sufficient inducements to commence the construction of their respective roads, and that their several grants are now forfeited to the State by limitation of time, and by the express terms of the act of 1861. (Laws of 1861, p. 82.)

At the time the act of 1857 was passed, conferring a grant of land upon the Bay de Noquet and Marquette Railroad Company, the proprietors of this road were also proprietors of the Iron Mountain Railroad, which was then commenced. At that time six miles of track were laid from Marquette towards the iron mines, and iron sufficient for four additional miles had been purchased. The parties named were instrumental, with others, in procuring the passage of the act of Congress of June 8, 1856, granting these lands to the State. In 1858 the two interests were united by agreement, and the consolidation was, afterwards, in 1859, confirmed by an act of the Legislature. Subsequent to the time the grant was obtained, and in view of this consolidation, the work of building the road was continued, and between 1857 and 1868, upwards of \$400,000 have been ex-

pendent in the completion of the first section of twenty miles, and upon the rolling stock and other conveniences of the road.

An examination of the map will show that a railroad from Bay de Noquet to the Iron Mines, and thence to L'Anse Bay and Ontonagon, forms a nearly straight line, and is the most direct and only feasible route between these points. With the branch now constructed from the mines to Marquette, and an independent road from Ontonagon or Houghton, to Appleton, in Wisconsin, the Upper Peninsula will have all the railroad facilities it will need for many years to come. These routes are suggested and enforced by the natural features of the country, and any attempt to open railroads on other or different routes, in the opinion of your memorialists, will result in failure, and their encouragement, by fictitious aid, will be detrimental to the true interests of the country. The passenger business upon any route in the Upper Peninsula does not furnish sufficient inducements for the construction of a railroad. They must depend chiefly upon the transportation of minerals and supplies.

And your memorialists further represent that, the rise in the price of iron now furnishes inducements to establish furnaces in the iron and timber region, beyond the Lake Superior Mine, in the direction of L'Anse Bay, northward, and of Bay de Noquet, southward, which may not occur again in many years to come. That to encourage and secure their construction, it is necessary that railroad facilities should at once be extended in both directions, to encourage the investment of capital in furnace building. Unless the iron and timber region are thus speedily opened, this present opportunity will be lost, to the great hindrance of the material prosperity of the Upper Peninsula. The advance in the value of copper, and the rapid development of the resources and population of the Upper District, furnish also strong inducements to extend the road into that region.

The proprietors of the Bay de Noquet and Marquette railroad are, they believe, the only parties in the country in a condition to undertake the enterprise of opening the region named

—with the encouragement here indicated, and with the grant of lands given by Congress to aid in the construction of a railroad from Marquette to Ontonagon—are now prepared to commence the immediate construction of a road from the Iron Mines, on the route adopted by the old Marquette and Ontonagon Railway company, in the direction of L'Anse Bay and Ontonagon, and to complete the first section of twenty miles, within two years from the first day of July next. To do this, they have special advantages. In the first place they will save an expense of several hundred thousand dollars, and also the time necessary to construct a road from Marquette to the Iron Mines, which another company must meet before they reach the threshold of the iron region. In the second place, they have the facilities of the present railroad, to do the work; and lastly, they have a direct interest in opening the iron and copper regions, to increase the business of their present road. When twenty additional miles have been constructed, the interest and the ability of the company to extend it to the copper region, and to Bay de Noquet, will be proportionately increased.

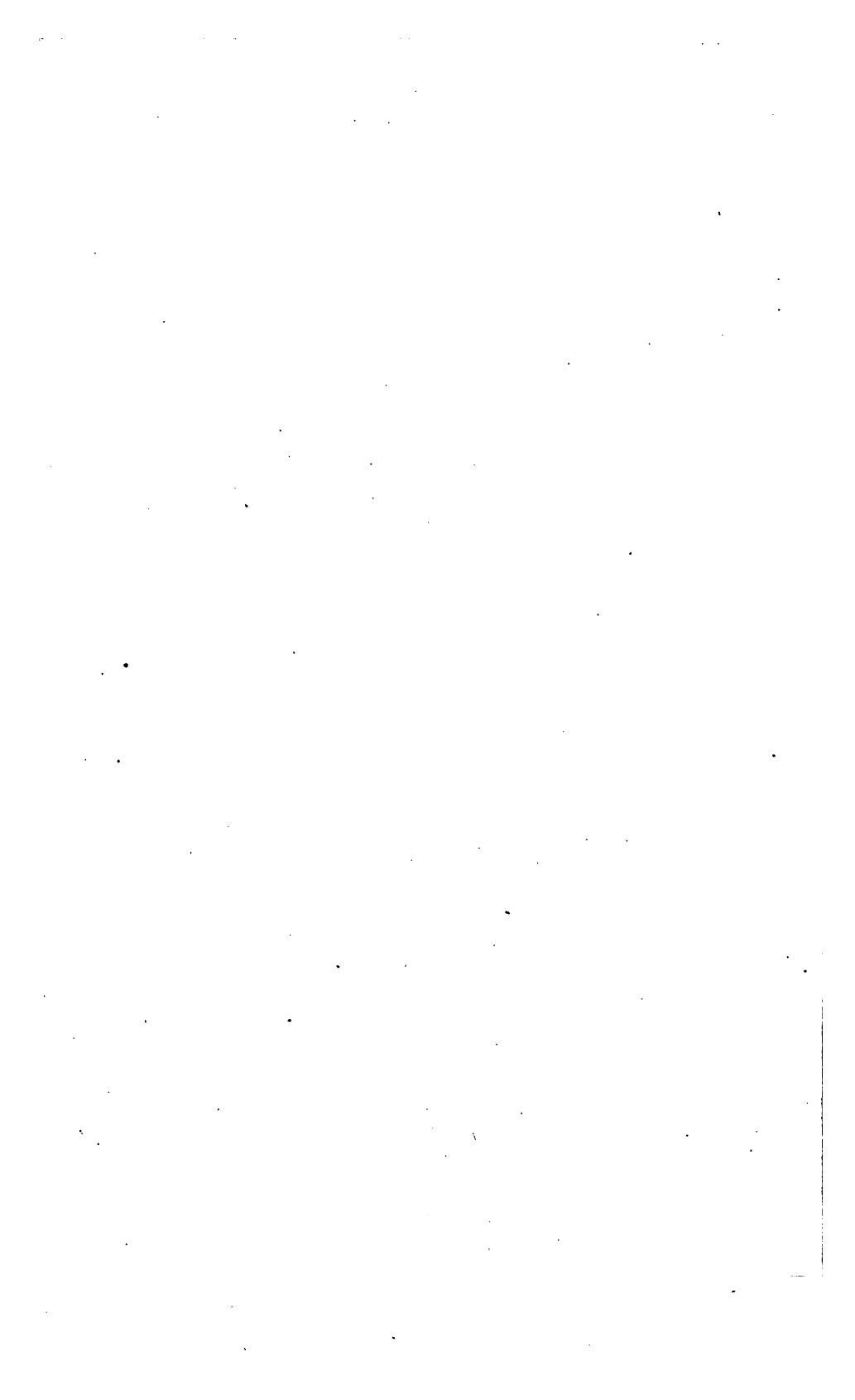
The principal stockholders of the Bay de Noquet and Marquette Railroad Company, and their friends, have therefore organized as an independent company, the Marquette and Ontonagon Railroad Company, to carry forward this general plan, in which the two companies will act in concert and harmony; and they now respectfully ask your Honorable body to confer upon the said Marquette and Ontonagon Railroad Company, the lands, rights and privileges, given by Congress, to aid in the construction of this road, subject to the restrictions and requirements of the several acts in relation thereto.

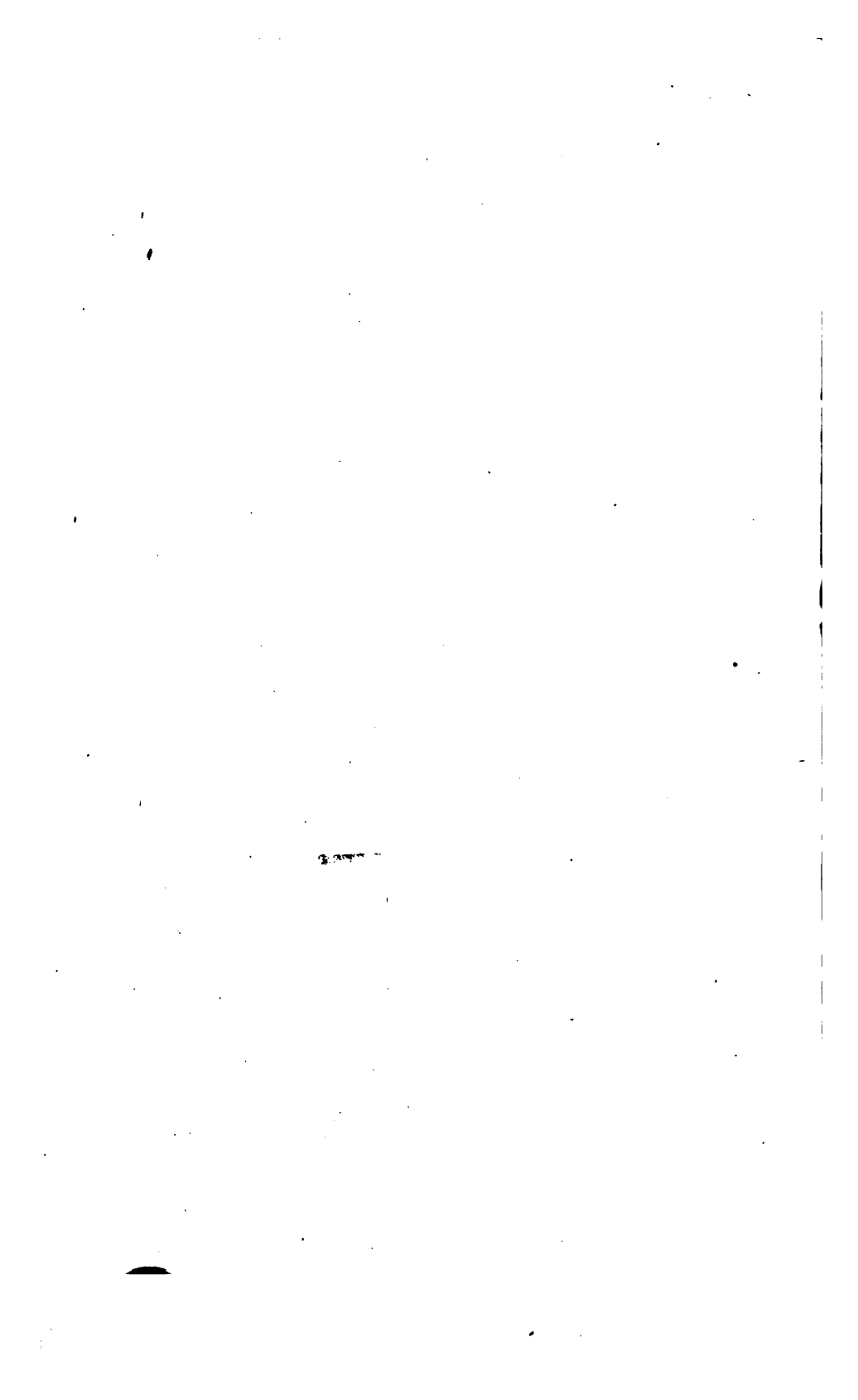
All of which is respectfully submitted.

SAMUEL P. ELY,  
LEWIS H. MORGAN.

Lansing, January 14, 1868.









[ No. 9. ]

COMMUNICATION from the Auditor General, transmitting the reports of the Bay de Noquet and Marquette Railroad Company, and the Michigan Southern and Northern Indiana Railroad Company.

AUDITOR GENERAL'S OFFICE, }  
Lansing, January 24, 1863. }

HON. S. M. CUTCHERON, *Speaker of the House of Representatives:*

SIR—In compliance with a resolution of the House of the 21st inst., requesting me "to place before the Legislature the reports of the several railroads," I herewith present copies of all the reports of railroad companies received by me for the year 1862, being the reports of the Bay de Noquet and Marquette R. R. Co., and of the Mich. Southern and Northern Ind. R. R. Co. The last named report was directed to the Secretary of State, and handed over to me yesterday.

Very respectfully,

E. ANNEKE,  
*Auditor General.*

[illegible]

the 1990s, the number of people in the world who are undernourished has declined from 1.1 billion to 800 million. The number of people who are malnourished has declined from 1.5 billion to 1 billion. The number of people who are obese has increased from 100 million to 300 million. The number of people who are overweight has increased from 100 million to 300 million. The number of people who are obese and overweight has increased from 100 million to 300 million. The number of people who are obese and overweight has increased from 100 million to 300 million.

## REPORTS.

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Office of M. S. & N. I. R. R. Co., }  
Toledo, Ohio, Jan. 6, 1863. }

*To the Hon. the Secretary of State of Michigan:*

The Michigan Southern & Northern Indiana Railroad Company, in conformity with the requirements of the act entitled an act to authorize the sale of the Southern Railroad, and to incorporate the Michigan Southern Railroad Company, approved May 9, 1846, and the act amendatory thereto, approved March 28, 1850, and of the act entitled an act to authorize the Michigan Southern Railroad Company to consolidate with the Northern Indiana Railroad Company, approved Feb. 13, 1855, respectfully submit the following report for the preceding year, to the first day of December, 1862:

1st. The length of their roads and branches, in operation in the States of Michigan, Ohio, Indiana and Illinois, is 441 miles; besides which they operate the leased lines of the Erie and Kalamazoo Railroad, and of the Detroit, Monroe and Toledo Railroad, and use in common with the Detroit and Milwaukee Railroad Company, three miles of their track at the Detroit terminus; in all 85 miles additional.

2d. The cost of construction of their consolidated lines, as per construction account on the books of the Company, at close of last fiscal year, was \$13,616,404 30.

3d. The indebtedness on account of construction—none.

4th. Other indebtedness is as follows: Funded debt, \$9,608,063, (including \$791,563 of D. M. & T. R. R. bonds, and \$236,000 E. & K. R. R. bonds, guaranteed;) floating debt, \$424,116 16; total, \$10,032,179 16.

5th. The amount of capital stock subscribed (outstanding) is \$9,018,200.

6th. The amount actually paid in is \$9,018,200.

7th. The loans made for the purpose of constructing the railroads of the consolidated company, or purchasing, constructing, chartering or hiring steamboats, amount, as heretofore reported, to \$7,653,000.

8th. Dividend last year—none.

9th. The receipts from freight were \$1,666,937 54; from passengers, \$796,378 42; from all other sources on operating account, \$92,189 27.

10th. The number of through passengers was 61,749; of way passengers, 298,173½.

11th. The expenditures for repairs of road were \$329,678 56; repairs of engines and cars, \$209,360 06; other operating expenses, \$671,649 36; expenditures for construction, \$14,591 21.

12th. Number of engines, 83; passenger cars, 82; freight cars, 1,160; other cars, 51.

13th. Average number of men employed last year, about 1,750.

14th. The number of miles run by passenger trains was 659,001; by freight trains, 1,144,038; by other trains, 184,355.

15th. Under the third section of the consolidation act, they report that the portion of their capital stock and loans actually employed in the State of Michigan, is \$3,612,255 27; but if there is included the \$300,000 of nominal capital never paid in, and a like amount advanced to another railroad company and not refunded, and expenditures on steamers, and other losses, on which, by the decision of the Supreme Court of Michigan, they are however held liable to taxation, as well as on the above amount actually paid in and expended in that State, the amount on which the company will be liable to the specific State tax of three-fourths of one per cent., will be \$4,739,240 16, viz:

On capital stock paid in or issued prior to consolidation, .....	\$2,625,600 00
On proceeds of bonds issued prior to consolidation, 2,064,540 16	
On capital expended in Michigan since consolidation, .....	49,100 00
	<hr/>
	<hr/>
	\$4,739,240 16
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M. L. SYKES, JR.,

P. MOREHOUS,

*Directors.*

STATE OF OHIO, )  
Lucas County, ) ss.

Be it remembered that on this 6th day of January, 1863, personally appeared before me, Martin L. Sykes, Jr., and Philo Morehous, and having been duly sworn by me, depose and say, that the foregoing statement, by them signed as directors, is true and correct according to the best of their knowledge and belief.

MARTIN L. SYKES, JR.,

P. MOREHOUS.

Sworn to and subscribed this 6th day of January, A. D. 1863,  
before me,

[ L. S. ]

RICH'D WAITE,

*Commissioner for the State of Ohio, appointed by the Governor of the State of Michigan to administer oaths and affirmations, and to take acknowledgment of deeds, &c.*

OFFICE OF THE BAT DE NOUVEAU AND MARQUETTE R. R. CO.,  
Marquette, Lake Superior, Mich., Dec. 31, 1862.

To the Auditor General of the State of Michigan:

The following is the annual report of this company, required by law to be made to you, for the year ending at this date. The length of the line is 77 miles, of which the first 20 miles from Marquette, are completed:

1st. The capital stock of the company is.....\$1,500,000 00  
" amount actually paid in,..... 442,000 00

2d. The amt expended for the purchase of land is	\$10,800 00
" " " construction of road,.	502,676 24
" " " buildings, is.....	13,630 00
" " " engines and cars,.....	116,803 16
3d. The indebtedness of the company is, for its 7	
per cent. mortgage bonds,.....	200,000 00
For miscellaneous floating debt,.....	40,804 81
The amounts due the corporation are.....	47,664 53
4th. The amt received for transportation of pas-	
sengers, is.....	2,033 95
The amount received for the transportation of	
property,.....	144,131 56
The amount received from all other sources,....	93 04
5th. The amount of freight carried is—	
Tons of iron ore,.....	149,753
" pig iron, .....	5,570
" merchandize,.....	2,234
6th. The amount paid for repairs, engines, cars,	
buildings and salaries, is.....	38,780 45
7th. No dividend has been paid this year.	
8th. The number of engine houses and shops is 16.	
The number of engines is 4. They are of the first class,	
weighing 26 to 27 tons each.	
The number of cars is as follows: 319 four-wheeled ore cars;	
1 passenger car, eight-wheeled; 1 platform car, eight-wheeled;	
6 gravel cars; 4 small cars.	
9th. This road being almost exclusively a freight road, runs	
no passenger trains as such; a passenger car is attached to the	
freight trains.	
Number of miles run by freight trains,.....	28,700
" " " repair and construction trains, .....	15,161
10th. The average number of men employed is 85, as follows:	
engineers and machinists, 10; carpenters, 4; blacksmiths, 6;	
foundry men, 3; conductors, 3; brakemen, 15; laborers, 44.	
11th. But one injury to life or limb. In this case the party	

No. 9.

7

was a laborer on a construction train, who fell between the cars through his own carelessness, and was instantly killed.

12th. No accidents have arisen from the carelessness or negligence of any person in the employment of the corporation.

Very respectfully, your ob't serv't,

SAMUEL P. ELY,

*Managing Director Bay de N. & M. R. B. Co.*

Subscribed and sworn to before me, the day and year above written.

WALTER FINNEY,

*Justice of the Peace.*

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a very important document, as it contains the President's message to the Congress, and is one of the most important documents in the history of the United States.

2. The second part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a very important document, as it contains the President's message to the Congress, and is one of the most important documents in the history of the United States.

3. The third part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a very important document, as it contains the President's message to the Congress, and is one of the most important documents in the history of the United States.

4. The fourth part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a very important document, as it contains the President's message to the Congress, and is one of the most important documents in the history of the United States.

5. The fifth part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a very important document, as it contains the President's message to the Congress, and is one of the most important documents in the history of the United States.



[ No. 10. ]

**MEMORIAL** of the Directors and Stock-holders of the Marquette and Ontonagon Railway Company, against transferring their land grant to another company.

*To the Honorable the Senate and House of Representatives of the State of Michigan:*

The undersigned, directors and stockholders of the Marquette and Ontonagon Railway Company, would respectfully represent to your Honorable bodies, that said company was organized under the general railroad law, in the year 1857, and was included in the general land grant act of that year, by which the benefits of the act of Congress, conferring certain lands in the State of Michigan for railroad purposes, were conferred upon said company, with others. The company immediately caused a thorough survey, and maps, plans, and profiles of the route to be made, and the line to be staked out upon the ground, at a cost of over seven thousand (7,000) dollars, with the intention of proceeding with the actual construction of the road as soon as the financial condition of the country would permit. The business crash of 1857, however, as all well know, was an ample reason for withholding further efforts at that time. The

country had but barely recovered from that shock, and business confidence had just begun to be restored, when the infamous southern rebellion, with its dark and portentous clouds broke upon the country, and all enterprises of such a character were, of necessity, suspended. The Legislature of 1861, extended the time for the construction of the first twenty miles of this, and all other land grant roads in the Upper Peninsula, until Jan. 1, 1863, in the expectation, in which all shared at that time, that within the year 1861 the rebellion would have been put down, and peace and prosperity restored. But, in this we have all been sadly disappointed, and there has been no time during this period, until now, when such an enterprise could be undertaken. We, however, assure your Honorable body, that the company we represent have not harbored the thought of abandoning the enterprise, but have every desire both to save the means we have already invested, and to preserve the land grant conceded to us for the benefit of the Upper Peninsula, in the development and prosperity of which we feel a deep interest; and we further state that our arrangements are made for commencing the actual construction of the road during the ensuing season, in the confident expectation that you will feel the justice and propriety, under the circumstances of confusion, in which the business community has been placed, of granting to this company a reasonable extension of time, within the life of the congressional grant, for constructing its road.

We are informed that another company was organized on the second day of the present month, assuming the same name as the company we represent, excepting only the change from rail-way to rail-road, and which, under the assumption that the interests we represent had been abandoned, has applied to your honorable body to transfer the land grant of the former company to itself. This new company is composed of the same persons who control the company now known as the Marquette and Bay de Noquet Railroad Company, formerly the Iron Mountain Railroad Company, and which constructed a road

from Marquette, westward seventeen (17) miles, to the Iron Hills, prior to the passage of the land grant act of Congress.

This Iron Mountain Railroad Company, however, had the shrewdness to induce the Legislature of 1859 to pass an act by which that company became consolidated with, and merged into, the Marquette and Bay de Noquet Railroad Company, one of the land grant companies, which was organized for building a railroad from Marquette, southward to Little Bay de Noquet, on Lake Michigan. The principal object of this consolidation, so far as developed, seems to have been to enable the old company, by building *three* miles of road at its western end, to obtain the benefit of the land grant to the company into which it was merged, as for constructing *twenty* miles of road, and also to enable the company to increase its rates on iron ore, from a rate then sufficiently high, to the extremely onerous rate of one dollar per ton upon iron ore, for a distance of seventeen miles, which was, in fact, done the very next season, contrary, as we are informed, to the express promises of its attorney and director, to many members of the Legislature, at the time the bill was before them, and we most respectfully remonstrate against the transfer of the grant to the Marquette and Ontonagon Railway Company to such new company, or any other, for the reasons that the company we represent have, in good faith, expended considerable means in making surveys and plans, and have been prevented by the condition of the country, which has everywhere paralyzed similar efforts thus far, from availing itself of the grant which has acted as an inducement to enter upon the enterprise, and expend its money, and because we assure your honorable body that we have every reason to expect that we shall be able speedily to commence the work of constructing the road, and to complete as much within the next two years as those who are seeking to deprive us of our grant, propose to do; and we will consent and agree, that unless we satisfy the board of control of land grant railroads, of which his Excellency, the Governor, is the head, by the first day of August next, that we have in good faith en-

tered upon the construction of the road, with a reasonable prospect and intention of completing twenty miles thereof within two years, that then that board shall have the power to transfer the grant to any other competent party or company. Under these conditions, we think our equities are far superior to those of the new company who are endeavoring to supplant us, and that the country will be quite as certainly benefitted by permitting us to build the road, as by transferring our rights to others.

Your memorialists therefore pray that the extension asked for by the Marquette and Ontonagon Railway Company be granted, and earnestly remonstrate against the transfer of their land grant to any other company whatever.

H. K. SANGER,  
ORVILLE B. DIBBLE,  
J. T. WHITING,  
W. N. CARPENTER,  
H. G. WELLS,  
E. H. THOMSON,  
T. W. LOCKWOOD.

Lansing, January 29th, 1863.

[ No. 11. ]

REPORT of W. T. Howell, from the select committee on the subject of the land grants made by Congress to the State of Michigan.

The select committee, to whom was referred

A bill to amend an act entitled an act to amend an act entitled an act disposing of certain grants of land made to the State of Michigan, for railroad purposes, by act of Congress, approved June 3, 1856, approved February 14, 1857, which amendatory act was approved February 12, 1861,

Beg leave respectfully to report that they have given the subject a careful consideration, and now submit the result of their investigation for the consideration of the House.

By the act of the 14th of February, 1857, these grants of land were given to several railroad companies, organized under the general railroad law of this State, subject to certain conditions therein expressed, and if they failed to comply with those conditions, the lands would revert to the State, as the trustee of the general government.

At every subsequent session of the Legislature, these companies have applied for an extension of the time in which they

were required to perform the conditions of the grant, by building certain portions of their several roads; and these requests have been complied with, and their time extended, without giving the subject that consideration which the true interests of the State would seem to require.

The committee propose, first, to consider these grants as applicable to the railroads contemplated in the Upper Peninsula. By some strange oversight, and contrary to public policy, as well as the policy of our general railroad law, three of these roads commenced, or terminated, at Marquette: 1st, from Bay de Noquet to Marquette; 2d, from Marquette to Ontonagon; and 3d, from Marquette to the Wisconsin State line. The primary object of railroads in the Upper Peninsula, was to develop its mineral interests, and afford facilities for transporting the ore to market, and by the action of these several companies, and the Legislature, Marquette seemed to be designated as the grand mineral depot of the Upper Peninsula. As early as 1858, the "Iron Mountain Railroad," which is now the Bay de Noquet and Marquette Railroad, was projected to run from Marquette, by way of the iron mines, to some point on Green Bay, and the road actually surveyed, and the line located, and some portion of its road completed before the grant was disposed of. Actual surveys demonstrated the fact that the three roads terminating at Marquette, from that point to the iron mountains, a distance of about sixteen miles, must occupy contiguous and parallel lines, which must necessarily result in a competition ruinous to all, or wholly prevent the investment of capital, so necessary to the development of the mineral wealth of that region. A single glance at the map will satisfy any person that one railroad, properly located, would be sufficient for the wants of that country for several years to come.

The only railroad company in the Upper Peninsula, of which we have any knowledge, except by our statute books, although required by law to make annual reports of their progress and condition, is the Bay de Noquet and Marquette Railroad Com-

pany. By their annual report, (legislative journal, page 145,) it appears that they have expended in cash, in the construction of their road and equipments, the total amount of \$648,911 40, and your committee are informed that this amount, together with their interest in the mines and their dock at Marquette, makes a total investment of about one million of dollars; while all the other companies, from any data in possession of the committee, have not expended a sum exceeding ten thousand dollars, and have taken no steps towards the construction of their roads.

The question then arises, what is the duty of the State in the premises? To foster and encourage capital already honestly invested, or to shut up this entire mineral region, so material to the interests of the State, and prevent its development by the strong hand of legislative power? To the mind of the committee, our duty is a plain one. To encourage a proper and speedy development of the inexhaustible mineral wealth of this region, would be to place the State in a position to receive in a few years a revenue from it equal to, if not greater than the entire expenses of the State government, and thus lay the foundation to entirely abolish State taxes, when our State debt shall have been paid. But, while we encourage a system of gambling speculation by legislative enactments, the very tendency of which is to prevent development and prosperity, just so long will we be subject to onerous taxation by refusing to reap the harvest which the God of Nature has already planted in our soil.

Armed with a bounty from the general government, could it be considered sound policy to use that bounty to compete with and destroy capital already actually invested, and that to companies who have failed, in every instance, to fulfill their obligations to the State? No such policy can be justified. We legislate, not alone for to-day, but for the future; and we should so legislate as to operate equally upon all—be equally beneficial to all—and for the common good of all. The conclusion is, therefore, irresistible, that the public good, and simple justice,

require that the lands granted to the Marquette and Ontonagon railway company, should be transferred to the Marquette and Ontonagon railroad company, incorporated January 2, 1863, the stock-holders of which are the same parties who own the Bay de Noquet and Marquette railroad, and the grants made to the other companies in the Upper Peninsula, should be declared forfeited, and revert to the State, subject only to the conditions of the original grant made by Congress.

We cannot afford to foster a spirit of mere ideal speculation, at the expense of the true interests of the State; and were the incipient measures to be taken at this time, we much doubt whether any considerable amount of foreign capital would seek investment where the course of legislation rendered it capricious and uncertain.

We now propose to turn our attention to the effect of these grants upon the material prosperity of the northern portion of the Lower Peninsula.

To the people of the North this law presents some very grave and important questions for solution, and the time has fully arrived when they must be met and decided. The first consideration is the extent of territory affected by the land grants, for railroad purposes, in the State. The entire grant amounts little short of four millions of acres, and the alternate sections of the government lands, equally precluded from settlement, to as much more; making, in round numbers, about eight millions of acres—equal to about twelve thousand and three hundred square miles, as the basis of our calculations. This of itself, is equal in extent to the entire States of Massachusetts and Connecticut.

The area of Massachusetts is equal to 7,800 miles. That of Connecticut, 4,674. Those grants are equal to 12,800 square miles, or two of the important States of the Union. The area of Michigan is equal to 56,243 square miles, and over one-fifth of that area is controlled by these grants. For whose benefit are these lands withheld from settlement and cultivation? For the sake of the honest, hardy pioneer, who, confiding



in the justice and impartiality of the government, has pitched his solitary cabin in the woods, in the hope of making a pleasant future home for himself and family? No—the questions are easily answered. The benefit is to accrue to a few speculators, who, for the sake of gain, hold the fate of a territory in their hands equal to an empire, and by combination seek to control both State and National legislation on that subject. Its effects upon the interests of the few settlers, scattered through this vast extent of country, and its rank injustice, has no parallel in the history of American legislation. Their isolated situation deprives them of the benefit of churches and schools, and after years of toil, necessity actually drives them from their homes, and they lose the labor of the best days of their lives. No candid man will pretend that these roads will ever be built through those portions affected, by withholding the lands from market.

These considerations are much strengthened in the passage of the homestead bill. The entire public domain being thrown open to settlement and cultivation, "without money and without price," this entire section of our State must be abandoned, and the primeval forest remain a lasting memento of the folly, the partial and unjust legislation, that precluded us from cultivating the lands of our own State.

What has been accomplished since these grants were made by the Legislature in 1857? Emigration entirely checked; and the few scattering settlers remain as isolated as they were five years ago. An engineer has been brought from Europe—a voluminous report made—splendid maps engraved—an incumbrance of millions of dollars put upon the land in advance—but not a solitary rod of road built, or anything done to better the condition of a people already crushed under the blighting influence of such partial and unjust legislation. Settlers seek a home everywhere else—our property, with all our industry, depreciates in value—our interests reduced to a death-bed consumption, and all for the purpose of enabling a few men to

enrich themselves, who do not reside there, or have any interests in common with them.

These men, without fulfilling the first obligation to the State which induced the grants, are already besieging Congress to further extend this embargo over the settlement and cultivation of the North. Assured by former legislation on this subject, that the State of Michigan has placed the interests of the North in their keeping, instead of the representatives of the people, their consuming rapacity knows no bounds of satisfaction short of absorbing the entire grant, without rendering any equivalent by building the roads, and hence all their energies are brought to bear upon Congress and the Legislature to effect this purpose.

The State never committed a graver error than in the disposition of these grants. At least an expenditure of thirty millions of dollars in cash, besides the lands themselves, would be necessary, and that in a territory, vast in extent, but inhabited by less than one hundred thousand people. Any statesman should blush to record such consummate folly and ignorance of the laws of trade; and in a financial point of view what have been its effects upon the other portions of the State? Before these lands were withdrawn from market, the tide of emigration was flowing in and settling upon the wild lands as fast as could be desired, and by the rule of increase of property by cultivation, we believe at least one million of dollars yearly, for the last seven years, would have been added to the aggregate value of the taxable property of the State, and upon which amount the older portions of the State would have ratably been relieved from taxation.

Aside from educational purposes, protected by the provisions of the constitution, the State has never had any uniform and settled policy in the disposition of the land grants made by the general government. A grasping system of personal interest has been predominant, and at this time, when it is discovered that more than thirty thousand square miles of the area of the State, comprising its most wealthy portion in timber and min-

erals, has never received any portion of the original five million loan, created for the purposes of internal improvements, nor of the grants made by Congress, we are called upon to pause and consider whether a more uniform and equitable policy should not prevail.

For the payment of the State debt, created and expended solely to develop the resources of less than one-third part of its area, the North has, and ever will, cheerfully contribute its full share; and while they do this, they ask the candid consideration of the House whether it be too much to ask for them to be allowed to remain free to cultivate and develop their own territory without participating either in the expenditures of the State, or the bounties of the general government.

Remove the incubus of these grants to the material prosperity of the North, and it will be hailed as the first omen to their future prosperity. Continue them, and you place an unbearable burden upon them, which can neither be defended upon the score of justice, or an enlightened State policy. All agree in a want of confidence, either in the *ability* or *intention* of those companies to construct their roads in the new portions of the State, and are satisfied that their only aim is so to dispose of the bounties of the State as to secure the greatest personal benefit.

Another consideration, of no inconsiderable magnitude, forces itself upon our attention at this time, and adds to the many reasons why these grants, so far as they have not been appropriated, should now be absolutely forfeited.

The recent act of Congress donating to the State two hundred and forty thousand acres for the endowment of an agricultural and military school, is an object worthy of our gravest consideration. The disposition of the proceeds of this grant being for educational purposes, is secured by the constitution, and therefore in no danger of being applied to any other purpose.

These lands, carefully selected and disposed of slowly, as have been the primary school and university lands, will, in pro-

cess of time, endow an institution more liberally and more richly than any other institution in the State. Judging of the future by the past, we are firmly of the opinion that such selections might be made, and their sale so regulated so as not to attempt to compete with the present cheap lands, that a permanent fund of more than seven hundred thousand dollars might be realized, the interest of which would be exclusively applied to the purposes of the grant.

The question now arises, where can these lands be selected? We answer, from the very lands now covered by these grants, and not otherwise, unless the State will consent to take the refuse lands of the General Government, in limited quantities, and of little value.

The mineral lands of the Upper Peninsula, and the fine farming and pine lands of the North, now under these railroad grants, would quickly invite the attention of the State, and determine the proper selection to be made.

From the premises here laid down, your committee deduce the conclusions:

*First.* That the lands granted to the Marquette and Ontonagon Rail-way Company, should be transferred to the Marquette and Ontonagon Rail-road Company, organized on the second day of January, A. D. 1863.

*Second.* That all other grants made by the act of February 14, 1857, so far as they have not been applied, be forfeited to the State, which will leave the State and General Government the sole contracting parties, and that such steps be taken by the State as will bring these lands immediately into market.

For this purpose your committee ask leave to introduce the accompanying bill, entitled

A bill to amend an act to amend section 26, and repeal sections 27, 28 and 29, of chapter 150, title 29, of the revised statutes of 1846, being section 5658 of the compiled laws,

And joint resolution, entitled

Joint resolution relative to certain land grants made to the State of Michigan, for railroad purposes, by act of Congress, approved June 3rd, 1856,

And recommend that the bill referred to them do not pass.

W. T. HOWELL,

*Chairman Select Committee.*

[ No. 12. ]

REPORT of the committee on elections, in relation to the memorial of Hon. Hiram C. Hodge, claiming the seat of Hon. Chandler Freeman, as member from the Second Representative District, in the county of Clinton.

The committee on elections, to whom was referred the memorial of the Hon. Hiram C. Hodge, claiming the seat in this House, as representative from the second district of Clinton county, now occupied by Hon. Chandler Freeman, respectfully ask leave to report that they have had the same under consideration, and have instructed me, as their chairman, to report that they have heard the allegations and proofs produced by the respective contestants, which proofs accompany this report; and your committee find that the whole number of votes cast in said district, for Representative, at the general election, held November 4th, 1862, was 1,831, of which number Chandler Freeman, the sitting member, received 700, and said Hiram C. Hodge received 631. It is admitted by said Freeman, that said 700 ballots so cast for him, were given for him as follows, viz: 291 of them for Representative in the State Legislature, for the second district, Clin-

ton county; 121 of them for Representative in the State Legislature; and 288 of them for State Representative.

And it is therefore claimed on behalf of the memorialist, Mr. Hodge, that he received a large majority of the votes cast for Representative in the State Legislature, for the second district of Clinton county, the only legal designation for such office, as contended by him, known to the statutes of Michigan; and that all the votes cast for Mr. Freeman, for Representative in the State Legislature, and for State Representative, were illegal, and should not be counted for him. Chapter 6 of the compiled laws, section 29, speaking of the manner of voting at elections, which shall be by ballot, and of what the ballot shall contain, says "The ballot shall be a paper ticket, which shall contain, written or printed, or partly written and partly printed, the names of all the persons for whom the elector intends to vote, and shall designate the office to which each person so named is intended to be chosen."

The question in this case is simply whether the last above named ballots cast for Mr. Freeman, contained the name of the office for which the electors depositing such ballots intended to vote. The only designation or description given in the constitution of this State for members of this House is "Representatives." See State constitution, article 4, section 1, where it declares that the legislative power (of the State) "is vested in a Senate and House of *Representatives*."

It provides, it is true, in section 3 of the same article, that "Representatives shall be chosen by single districts," but the name of the district constitutes no part of the name of the office. The only name given to the office is that of "Representative."

In the opinion of your committee, if the ballots had stated simply, "For Representative," it would have been a technical compliance with the requirements of the statute. But if that designation only, would have left any doubt for what office he was a candidate, or of its meeting the requirements of the statute, the prefix of the word "State," thereto, making the title

or designation of the office read "For State Representative," must have entirely removed such doubt.

It would have effectually prevented the confounding of the office with that of Representative in Congress, which is the only other office that the designation "For Representative" simply, could possibly have been intended for.

Your committee can find no statute nor authority requiring the ballots to specify the particular representative district for which the person may be a candidate, nor are they able to see any greater necessity for such district being specified on the ballot, than there is for specifying the particular county for which a candidate for sheriff or county clerk may be running. The statute requiring the name of the office to be specified on the ballot, is, in the opinion of the committee, declaratory only, and would not necessarily invalidate the ballot, though it should not be fully set forth, but that the candidate would, notwithstanding such defect, be entitled to have such ballots counted for him, provided the name of the office was sufficiently set forth to make it certain what office was intended, and for what officer the elector, in casting such ballot, intended to vote.

In this case, whether the name of the office be fully specified on all such ballots cast for Chandler Freeman, or not, it is believed by the committee that there can be no doubt, from the name of the office, as specified, on all such ballots, that the electors casting them intended them as votes for Mr. Freeman, as Representative in the State Legislature.

Your committee are, therefore, of the opinion that all those ballots were properly counted for Mr. Chandler Freeman, and that he received a majority of 69 legal votes over Mr. Hodge, for Representative in the State Legislature, from the second district of Clinton county, and is entitled to the seat in this House as Representative for the second district of Clinton county; that a contrary conclusion would be doing injustice to the electors of said second district, a clear majority of whom voted for Mr. Freeman; that where the intention of the voter is fairly to be inferred from the vote cast by him, either as to the

person for whom, or office for which he has voted, that it is the duty of the canvassers to carry out such intention. Such is the rule of law, as understood by the committee. Your committee, therefore, recommend that the prayer of the memorialist be not granted.

All of which is respectfully submitted, together with certain certificates of the district canvassers, and certain affidavits, and your committee ask to be discharged from the further consideration of the subject.

THADDEUS G. SMITH, *Chairman.*



[ No. 13. ]

**MEMORIAL** of B. L. Hill, on behalf of the Fishermen of Michigan, protesting against the passage of any law to suppress pound, or trap-net fishing.

*To the Honorable the Senate and House of Representatives of the State of Michigan:*

The undersigned, memorialist, on behalf of the fishermen of this State, begs leave most respectfully to protest against the passage of any law, the effect of which is to suppress all pound, or trap-net fisheries, in this State.

He begs leave respectfully to present some of the reasons that induce the fishermen to oppose the passage of any law to abridge their rights, or curtail their privileges. No such law should be passed:

1st. Because it would operate most injuriously and ruinously upon a large class of honest, industrious citizens engaged in the business of fishing, along the shores of our great lakes, whose entire property and means of livelihood consists in their nets, boats, and fishing apparatus. By the passage of any such law, these men, who have settled on lands of the State, along the shores, and cultivated them as far as practicable,

pursuing the fishing business during the proper season, would be driven from their homes or left to starve;

2d. Because, by such a law the quantity of white fish caught and offered in market would be greatly diminished—probably more than three-fourths—thereby doubling or more than doubling the price of this article of commerce; thus making the consumers pay a tax of one hundred per cent., the only benefit of which would accrue to a few persons—perhaps a single firm, in Detroit—who have the monopoly of all or nearly all the seine fisheries on Detroit river, and, as we are informed, hold and use most extensive trap-net fisheries on the Wisconsin shore of Lake Michigan. It is not alone the honest, hard-working fisherman whose little all is involved in this controversy, that will suffer by such a law, but the whole community, in the high price of fish, as a consequence, besides the loss to the entire commerce of the State in the immense diminution of this spontaneous source of wealth.

The fisheries of Northern and Western Michigan, where only trap nets are of any practical use, constitute one of the great sources of wealth of these regions; and your memorialist cannot believe that your honorable body are ready to lop that off, and involve so many persons and so much property in ruin, even though a few men in Detroit may be made more wealthy thereby.

It may be said that it is not proposed to forbid fishing with seines. But all are well aware that where the trap or pound nets are used, the fish do not approach near enough to the shore to render seines of any avail, and know that if they can suppress pounds, the Detroit river fisheries would have the entire monopoly of the business in this State, and untold profits would be the consequence.

But it is contended by the advocates of this measure, that the taking of such large quantities of white fish will, in time, depopulate the lakes and ruin the trade. It is impossible, from the nature and habits of the white fish, that such an event can occur, unless the nets are made with meshes of only one-tenth

the size of those now in use, taking fish too small to be of any value. On the other hand, were there no white fish caught in any manner, the quantity would not greatly increase; while by the use of pound or trap nets, the quantity is not only not diminished, but in many localities actually augmented. The quantity would not increase materially were none caught, for the reason that the white fish goes into deep water at the end of his second or third year's growth, and dies, having run his race and accomplished his purpose, leaving his place vacant for the next generation; so that though each female may lay and hatch her hundreds of thousands this year, she lives to raise her brood no more than twice, if she does the second time.

The lakes cannot be depopulated of white fish, for the reason that at the time of fishing with pound nets, the minnows of last year, and of a few months before, are full grown fish, and there are millions of the young ones of the present year's hatching, too small to be caught in any net. At the next year's fishing time these will be full grown, and give place to another brood of young; so that if *all* full grown white fish are caught this year, the next year will show a full crop; while those of the year before if not caught, have gone to their tomb in the depths of the lake—never to return. It is now a well settled fact in the history of the white fish, and all this family of fall spawning fish, that they are short lived, the former not living more than 2 or 3 years at most; and that this fish, as does the shad and salmon, grows most of his growth, from a minnow of a few ounces, to a full grown fish of from 5 to 9 lbs., in the short space of less than three months.

The spawn is laid in November and December, and hatching begins in the spring; the young fish remaining on the shoal spawning ground until May or June. They then seek deep, cold water, and may be seen in vast numbers at such places as the straits of Mackinaw and others, where the water is cold and clear. A short time after these younger ones are seen, the last year's fry, then about 14 months old, make their appearance, and are from two to three inches long, weighing only a

few ounces. This is in July; and from that time to about the same time in September, these last years fry attain the size of full grown fish—thus making all their growth from minnows too small to be caught by any net, to full sized fish, in less than three months. The same is true of the salmon, and some other fall spawning fish belonging to this family.

The artificial cultivation of fish in France and Scotland, on an extensive scale, and in this country to less extent, has thrown much light on this subject, and taught lessons in relation to the habits and nativity of fishes, never before dreamed of. It cannot have escaped the observation of all, that the white fish are of remarkably uniform size, there rarely being more than a few ounces difference in any lot, however numerous, except as between the males and females—only two sizes being noticable; no *half-grown* white fish, as is the case with pickerel and others, are ever caught, the time of their growth from minnows to full size, being in July and August, when pound nets are not used, and the fish are not merchantable.

“In November and December of 1853, about 300,000 eggs (of the salmon) were deposited in hatching boxes at Stormontfield, near Perth, Scotland. In April and May, of the succeeding year, the hatching took place, and on the 15th of April the young fish were first observed at large in the troughs. In June of that year, 1854, the young fish having attained a length of about one and a half inches, were introduced to the larger sphere of the pond, where they were carefully fed and attended for twelve months. In May and June, 1855, when the fish were one year old, the young fry having attained the size of what is familiarly known as smolts, were marked, by cutting off the adipose fin. About one in a hundred only were thus marked and liberated. Some of the young fish remained in the pond, but a large majority proceeded to the sea.

The largest smolts which left the place of their nativity in May and June, measured no more than about seven inches in length, and weighed from one-half to two ounces, only. In August following, a portion of them returned from the sea, after

an absence of about two months. The marked ones were weighed, and the smallest one was found to weigh three and one-half pounds, another five, another five and one-half, one five and three-fourths, one seven and one-half, and one nine and one-half pounds. The latter one measured over two and one-half feet in length." The author further remarks that "they received no attention, whatever."

Prof. J. C. Comstock, in his Essay on Fish Breeding, when speaking of the fall-spawning fishes, says: "This class contains those which belong to the family of the salmon and trout, including several species of the shad-salmon, or white fish."

That the white fish belongs to the class of short-lived and rapid-growing fishes, is well established.

Prof. Theodatus Garlic, M. D., author of an admirable volume on fish culture, thus speaks, in a letter addressed to the memorialist, on the subject: "I have given this subject a good deal of attention, and made careful observations on the history and habits of this valuable fish, (white fish,) for the last eight or nine years; and the only conclusion I can arrive at is, that his age is about two years.

"My opinion is based partly upon what we *absolutely know* about several species of fish that belong to this family of fishes, and partly upon what *I know* by actual observation of the *white fish* during the first year and a half of his existence.

"The white fish, as so all of this family, spawn late in the fall. The time of incubation is about twelve weeks. The young fish do not leave the spawning ground until late in the spring. In the month of July they make their appearance in myriads at the Sault St. Marie, in the shoal rapids, and are about two and a half inches long. Shortly after the young fry make their appearance, the young fish hatched the year before appear. Their average length is about four or five inches, and they nearly if not quite double their size during the few days they remain there

"This is the last we see of young white fish. It will seem incredible to a majority of persons that they should increase to such a size in so short a time, but no fact is better es-

tablished than that this family increases from two and a half ounces to six pounds, and in some cases to as much as nine pounds, in the short period of three months.

"It is not until after the first year that fish make this rapid growth. The white fish is a short-lived fish, like the shad and many varieties of fishes.

Very respectfully, yours, &c.,

T. GARLICK."

This is the testimony of a man of reliable character and extensive observation on this subject, having no interest to subserve other than that of scientific research.

But your memorialist is of the opinion that the pound fishing serves, indirectly, to increase the white fish, by destroying large numbers of sturgeon and other long-lived fish, of the sucker class, that lay upon the shoals and suck up the spawn of the white fish, and thus destroy millions.

It is found by fishermen that in many localities, where a few years ago hundreds of sturgeon were caught in their pounds, more recently very few are taken, and that in all such localities the white fish have correspondingly increased.

Therefore, believing that the passage and enforcement of such a law would work great injustice to a large class of honest and industrious citizens, and involve them in ruin; would diminish very greatly the commerce of our lake coasts; and increase to an almost indefinite extent the price of this article of food, while it would serve only to enrich a few at the expense of the many, without any public benefit, the fishermen hope and trust that no such law will be allowed to pass.

While we would protest against the passage of a law to interfere with pound net, or seine fishing, by which the fish are taken alive, thus being a wholesome and safe article of commerce, we are free to admit that some action may be necessary in relation to gill-net fishing—not because of any danger of exhausting the fish, but because the fish thus caught, are generally strangled and dead, when taken, and not unfrequently have been dead several days, and have so far commenced the

process of decay, that though by thorough salting at first, they will in the spring pass inspection, yet will not keep through the summer; and thereby the purchaser suffers loss. Gill-net fishing constitutes but a very small item in the business, and is yearly becoming less, as the fish-dealers now generally discourage it, and refuse to purchase and warrant the fish; yet it might be well, at least, to restrict such fishing, if permitted at all to continue, to a period of the year when the water is very cold, and there is less liability of the fish being injured, before taken from the net.

All will at once see that there can be no difference between the quality of fish caught in pound nets and those caught in seines, from the fact that in both cases they are always taken from the water perfectly alive and healthy; the only difference being that the seine caught fish are dirty, from being taken out upon the ground, while those from pounds are taken directly into boats, and always kept clean.

All of which is most respectfully submitted by your memorialist, on behalf of the fishermen of Michigan.

B. L. HILL.





[ No. 14. ]

REPORT of the Committee on the Judiciary, relative to the claim of David W. Noyes, Hiram Miller, Unn Miller, and Loren Andrus, of Macomb county.

The committee on the judiciary, to whom was referred the petition of David W. Noyes, Hiram Miller, Unn Miller, and Loren Andrus, of Macomb county, praying for the refunding of moneys unjustly paid to the State for certain lands in said county of Macomb, report the following state of facts as ascertained by the committee:

That in the year 1822, Daniel Miller settled upon the south-west quarter of section thirty-four, township four north, of range twelve east, in the county of Macomb, and that subsequently, and long before the State had any claims to said lands, Loren Andrews, one of the petitioners, purchased the possession of the said lands from the said Daniel Miller, and ever since has, and still does reside upon and occupy the same.

That in the year 1822, Joseph Miller settled upon the north-east quarter of said section thirty-four, by permit from the general government, (as also did David Miller on the south-west quarter of the same section,) and that about the year 1835,

sold his claim to said lands to David W. Noyes, another of said petitioners, who has since continued to occupy and improve the same.

That Hiram W. Miller and Unn Miller, as heirs at law of the said Joseph Miller, now deceased, are the owners and in possession of the north-west quarter of said section thirty-four.

That said section thirty-four was designated as "salt spring lands," and the title thereto vested in the general government until the year 1847, though previously set apart by act of Congress, for the benefit of the State. On the 6th of March, 1843, (see act No. 42, session laws of 1843,) the Legislature passed an act requiring the settlers on the public lands, and which included the lands in question, to file notice and proof of their occupancy, with a description of the lands occupied, with the Commissioner of the State Land Office, and providing that all settlers complying with the terms of said act, should be entitled to purchase their lands at the minimum price of one dollar and twenty-five cents per acre. In pursuance of said act, and on the 26th day of May, A. D. 1843, the petitioners filed their claims and proofs, in full compliance with the requirements of law, and so far as your committee have been able to ascertain, they have never forfeited any right to the same by any omission on their part, but in good faith have ever complied with every requirement of the law relating to their claims, even so far as to pay the sum of seventy-five dollars to the State for a license to occupy said lands, which, by a recent decision of our Supreme Court, neither the general government nor the State, as the agent or trustee, had a right to claim.

On the 19th of January, 1847, the Legislature passed a joint resolution, (resolution No. 5, session laws of 1847, p. 190,) requesting Congress to pass a law enabling the State to sell said lands, which was subsequently done—and by act of the Legislature of 1848, (p. 72, session laws of 1848,) the Commissioner of the Land Office was authorized to sell and convey said lands at four dollars per acre. This seems manifestly un-

just. The value of the lands over the minimum price was added to the lands by the petitioners, and those under whom they claimed, by the labor and toil of a quarter of a century, and the endurance of all the privations and hardships incident to the settlement of an unbroken wilderness.

Belonging to that class of citizens who shrink from seeking redress in our courts, and fearing that their lands might be purchased from under them, and they driven from the pleasant homes that their own labor had made, on the 20th of February, and 6th of March, A. D. 1859, they purchased said lands, at four dollars per acre, paying therefor, the aggregate sum of one thousand nine hundred and twenty dollars, or one thousand three hundred and twenty dollars, in excess of the amount, which in justice, good faith, and equity, they should have paid.

The committee herewith return the petition and accompanying papers, marked Exhibits "A," "B" and "C," as a part of their report, and have further instructed me to report the accompanying joint resolution, entitled

Joint resolution relative to the claims of David W. Noyes, Loren Andrews, Hiram W. Miller, and Unn Miller,

And recommend its passage.

W. T. HOWELL, *Acting Chairman.*

The following are the petition and papers accompanying the report, and marked Exhibits "A," "B" and "C:"

#### EXHIBIT "A."

*To the Honorable the Senate and House of Representatives of the State of Michigan:*

The undersigned, Danvid W. Noyes and Loren Andrus, for ourselves, and Hiram W. Miller and Unn Miller, heirs-at-law of Joseph Miller, late of the county of Macomb, (deceased,) and all residents of the town of Washington, county of Macomb, and State of Michigan, would respectfully represent that we were, long previous to the act of March 6, 1843, in quiet and peaceable possession of the portions of section 34, in township 4 north, of range twelve east, being the township of Washington aforesaid, to wit: the north-east, north-west, and south-west

quarters of said section thirty-four. That in pursuance of said act of March 6, 1848, of the Legislature of the State of Michigan, the said parties did comply with the provisions of said act, by filing a notice of their said occupancy, and the testimony of disinterested persons, with the proper officer; that in conformity with the provisions of said act, they were entitled to the purchase of said lands at the minimum price of \$1 25 per acre; but that thereafter, to-wit: on the 20th February and the 6th March, 1849, they purchased said lands, and were obliged to pay for the same at the rate of four dollars per acre, and contrary to the provisions of the act of 6th March, aforesaid. We, therefore, your petitioners, would represent that we are entitled to receive back from the State the sum of \$1,820, and the interest thereon, from the 20th February and 6th March, 1849.

And also that your petitioners did, about the year 1840, pay to the State the sum of \$75, for a lease to occupy said lands, when in fact the State had no legal right to lease the same, or to receive pay therefor. We would therefore ask that a law may be passed by your honorable body, authorizing the Auditor General, or State Board, to settle our claims, according to the law and equity of the case.

In support of the justice of our said claim, we respectfully refer to the papers on file in the Land Office, copies of which are herewith submitted.

D. W. NOYES,  
H. W. MILLER,  
UNN MILLER,  
LOREN ANDRUS.

Washington, Mich., February 10th, 1863.

EXHIBIT "B."

*To the Commissioner of the State Land Office, at Marshall:*

According to the act approved March 6, 1848, it is made necessary for those persons occupying lands that are and may become lands of the State, hereafter, to make application to the

Land Office, within one year from the passage of the said act; therefore, I, Loren Andrus, of the town of Washington, county of Macomb, State of Michigan, depose and say that I am in peaceable possession of the south-west quarter of section thirty-four, township four north, of range twelve east, and that I purchased the possession of said quarter of the original possessors, and have settled upon and improved the same, with a view of purchasing the said quarter section of the United States, by pre-emption.

LOREN ANDRUS.

Washington, May 26, 1843.

I, Daniel Miller, of the county of Macomb, State of Michigan, being duly sworn, depose and say that I settled upon the south-west quarter of section thirty-four, township four north, range twelve east, in the year 1822. I furthermore depose and say that I got a permit from the government officers, who had charge of government lands, and that I settled upon and improved said quarter section, with a view of purchasing the same, by pre-emption, from the United States; and that I depose and say that I have disposed of all my right and title to said lands; and that I furthermore depose and say that the above named Loren Andrus has purchased the said quarter section, and is in peaceable possession of the same, and furthermore saith not.

DANIEL MILLER.

Sworn and subscribed this 26th day of May, 1843, before me.

CALVIN DAVIS,

*Justice of the Peace.*

I, Smith Davis, of the county of Macomb, and State of Michigan, being duly sworn, deposeth and say that I have resided in the county of Macomb and State of Michigan, for eighteen years last past, and am knowing that the said Daniel Miller, mentioned in the above deposition, was the original settler on the said quarter of land described in said deposition, and that he disposed of the same some years since; and I furthermore depose

and say that Loren Andrus has lived on and has improved the said land, and now is in peaceable possession of the same.

SMITH DAVIS.

Sworn and subscribed before me this 26th day of May, A. D. 1843.

CALVIN DAVIS,

*Justice of the Peace, M. C., M.*

STATE LAND OFFICE,  
*Lansing, Mich., January 19, A. D. 1855.* }

I hereby certify that the foregoing are true copies of the originals on file in this office, and there was paid for the same, February 20th, 1849, the sum of six hundred and forty dollars.

Witness my hand and the seal of said office, the day and year above mentioned.

SEYMOUR B. TREADWELL, *Commissioner.*

#### EXHIBIT "C."

*To the Commissioner of the Land Office of the State of Michigan, at Marshall:*

According to the act of the Legislature of the State of Michigan, approved March 6, 1843, it is made necessary for those persons in possession of lands that are, or may hereafter become the property of the State, to make application to the Land Office, within one year from the passage of said act. This, therefore, with the accompanying affidavits, is to present you with my claims to the north-east quarter of section 34, in town 4 north, of range 12 east.

DAVID W. NOYES.

Washington, Macomb Co., Mich., May 26, 1843.

Agreeably to the act, as above alluded to, viz: (an act to organize a Land Office, and to regulate the sale of the public lands,) I herewith transfer to your office my claims, with accompanying affidavits, to the north-west quarter of section 34, town 4 north, of range 12 east.

JOSEPH MILLER.

~~-----~~ Bell, Commissioner of Land Office, S. M.

Washington, May 29, 1843.

STATE OF MICHIGAN, }  
County of Macomb, } ss.

Personally appeared before me, Alexander I. D. Thurston, a Notary Public in and for the county and State aforesaid, Daniel Thurston, of the township of Washington, county of Macomb, State of Michigan, who saith that he is well acquainted with David W. Noyes, of the town, county, and State aforesaid, and that said David W. Noyes has been in possession of the following described premises, ever since the year 1835, to-wit: north-east quarter of section 34, township 4 north, of range 12 east, containing one hundred and sixty acres, be the same more or less, and still remains in the quiet and peaceable possession of the same, and that said David W. Noyes has made large improvements thereon.

DANIEL THURSTON.

Sworn and subscribed to before me, this 26th day of May, A. D. 1843.

A. I. D. THURSTON,  
*Notary Public, M. C., S. M.*

I, Wm. A. Burt, after being duly sworn, depose and say that I am personally acquainted with Joseph and Daniel Miller, and that Joseph Miller, in the year 1822, was settled, and made improvements on the north-west quarter of section 34, township 4 north, range 12 east, in the State of Michigan; and that Daniel Miller, on or about the same time, settled and made improvements on the south-west quarter of the same section, according to the best of my recollection.

WM. A. BURT.

Sworn and subscribed this 18th day of May, 1843, before me

W. B. BURBAS,

*Notary Public, St. Clair, St. Clair Co., Mich.*

STATE OF MICHIGAN, }  
County of Macomb, } ss.

Personally appeared before me, Alexander I. D. Thurston, a notary public in and for the county of Macomb, State of Michigan, Daniel Thurston and Luther Bennett, who certify that

Joseph Miller, of the town of Washington, county and State aforesaid, had possession of a certain piece or parcel of land, lying and being in said State, and described as follows: north-west quarter of section thirty-four, township four north, of range twelve east, containing one hundred and sixty acres, be the same more or less; that Miller had possession of said land in the year one thousand eight hundred and twenty-six, and still has possession of the above described premises, and has made improvements thereon, and has been in possession of said premises ever since the year 1826, and that we have been personally acquainted with said Miller since the year 1826, and that we have, at sundry times, heard him say that he intended to purchase said land whenever it should come into market, to which assertions we gave full credit, and still believe the same to be his intention.

DANIEL THURSTON.

LUTHER BENNETT.

Sworn and subscribed to before me, this 24th day of May, A. D. 1843.

A. I. D. THURSTON,

*Notary Public, M. C. S. M.*

STATE OF MICHIGAN, }  
County of Oakland, } ss.

I, Solomon Wales, after being duly sworn, depose and say, that I am personally acquainted with Joseph Miller, and that Joseph Miller, in the year 1822, settled and made improvements on the north-west quarter of section thirty-four, township four north, of range twelve east, State of Michigan, and that on the spring following, set out on said quarter section an orchard of apple trees, and since that time has had peaceable possession on the land, as I verily believe, and I have been personally acquainted with him since that time.

SOLOMON WALES.

Sworn and subscribed the 27th May, 1843, before me.

ORANGE FOOT,

*Justice of the Peace.*



STATE OF MICHIGAN, }  
County of Macomb. } ss.

Personally came before me, Orrel Dudley, a justice of the peace, in and for said County, who deposeth and saith, that he is acquainted with David W. Noyes, of the county and State aforesaid, and that the said David W. Noyes has been in possession on the north-east quarter of section number thirty-four, town four north, range twelve east, and has been in peaceable possession ever since A. D. 1835, and that the said David W. Noyes has made large improvements on said land; said land is situate in the town of Washington, county and State aforesaid.

CALEB WILBUR.

Sworn and subscribed to before me this 26th of May, A.D. 1843.

ORREL DUDLEY,

*Justice of the Peace.*

STATE OF MICHIGAN, }  
County of Macomb. } ss.

Personally came before me, Orrel Dudley, a justice of the peace in and for said county, Mr. John Keeler, of said county, who being duly sworn, deposeth and saith that he is acquainted with David W. Noyes, of said county and State, and that the said David W. Noyes, has been in possession on the following described piece of land ever since the year of A. D. 1835, to wit: the north-east quarter of section thirty-four, town four north, of range twelve east, and that the said David W. Noyes is still in possession of said land, and has made large improvements thereon, and that the said David W. Noyes has expressed his intention of claiming said land by right of pre-emption.

JOHN KEELER.

Sworn and subscribed to before me, the 26th day of May, A. D. 1843.

ORREL DUDLEY,

*Justice of the Peace.*

STATE OF MICHIGAN, }  
County of Macomb. } ss.

Personally came before me, Orrel Dudley, a justice of the peace in and for said county, Mr. Luther Bennet, of said coun-

ty and State, who being sworn, deposes and saith that he is acquainted with David W. Noyes, of Washington, county and State aforesaid, and that the said David W. Noyes has been in possession on the north-east quarter of section No. thirty-four, in town No. four north, of range No. twelve east, and has been in peaceable possession on said lands, ever since the year A. D. 1835, and that the said David W. Noyes has made large improvements on said lands, and that the said David W. Noyes has expressed to him his intentions of purchasing said lands under the pre-emption act, should he have the privilege.

LUTHER BENNET.

Sworn and subscribed to before me, the 26th day of May, A. D. 1848,

ORREL DUDLEY,

*Justice of the Peace*

STATE LAND OFFICE,  
Lansing, Mich., January 19, 1855. }

I hereby certify that the foregoing are true copies of the originals on file in this Office, and there was paid by David W. Noyes and Daniel Miller severally, for said lands, February 20, 1849, the sum of six hundred and forty dollars each. Witness my hand and the seal of said office, the day and year above mentioned.

SEYMOUR B. TREADWELL, *Commissioner.*

[ No. 15. ]

**REPORT of the Joint Committee of the Senate and House of Representatives, on the Asylum for the Insane.**

The committees of the Senate and House of Representatives, on the Asylum for the Insane, who were authorized to act as a joint committee, and to visit the Asylum, preparatory to making their report, have performed that duty, and would respectfully present, for the consideration of their respective branches of the Legislature, the following report:

Your committee visited the Asylum on the 29th and 30th ultimo, and examined and inquired into the condition and workings of the Institution, as thoroughly as the brief space of time which they felt at liberty to devote to that object, would allow. The facts connected with the workings of the Institution, are detailed in the Reports of the Trustees, and of the several officers of the Asylum, which reports the committee would recommend to the careful attention and consideration of the Legislature. But your committee would do injustice to themselves, and to the subject, if they failed to express their entire satisfaction with the management, and the evident success of the enterprise, during the short period it has been in operation—a success

which your committee deem to be largely owing to the efficient and careful attention of the able and accomplished Superintendent. For the last two years, while it has afforded the State a safe and quiet retreat for that most unfortunate class of its inhabitants, and has relieved, or mitigated their miseries, and carried blessings to the hearts of their afflicted friends, it has, at the same time, been really self-sustaining, so far as current expenses are concerned. The deficit in this respect, for the two years commencing December 1st, 1860, is the sum of \$469 68. At the commencement of that period, there was a deficit of \$1,731 17, which, together with that for the last two years, amounts to \$2,200 85. And your committee recommend an appropriation of \$2,200 00, to meet those deficits.

The arrangements for warming and ventilating the apartments of the building, and for cooking and laundry purposes, are very complete and admirably adapted to the peculiar wants of such an Institution, as well as economical in their operation.

An air of neatness and order, of quiet and comfort, so necessary to the successful treatment of mental disease, pervades the entire establishment, giving promise of happy and beneficial results.

Only one of the wings of the building designed for the occupation of inmates, is at present erected. The wards of this wing, when devoted entirely to the occupation of patients, is designed to accommodate about one hundred and forty, but some portions of it, at the present time, are necessarily devoted to the domestic and business purposes of the Institution, leaving ample accommodations for only about one hundred and twenty at the present time; yet, at the time of the visit of your committee, there were under treatment one hundred and seventy-one patients, sixty-six males and one hundred and five females. But notwithstanding this crowded condition of the Institution, nothing has occurred to mar the success of its operations. No benevolent enterprise, in which our State has engaged, appeals with greater force to the philanthropy of the people, or presents stronger claims to the fostering care of the State, than that of

providing for the care, maintenance and recovery of the insane.

Other objects of misfortune demand our attention and support, but none more urgently than the insane. Delay in providing for the wants of the latter, is likely to be attended with much more serious consequences than in ordinary cases. A fair proportion of cases of insanity, not of long standing, may, by timely care and treatment, be cured, when a few months, or perhaps weeks delay, would render them incurable. Besides, in some cases, the safety of individuals or the security of property, requires that a safe and secure retreat should be provided for them.

Of the amounts heretofore appropriated for building purposes, about \$42,000 remains unexpended. It is estimated by the officers of the Asylum, that an additional sum of \$58,000, making a total of \$100,000, would be nearly, or quite sufficient, to complete the north wing of the building. It would evidently be poor economy to expend half, or nearly half enough, to complete the work, and then, allowing it to stand for years, before deriving any benefit from the outlay. Many of the current expenses of the Institution, such as fuel and apparatus for warming and ventilating the rooms, the engines and machinery used for these and other purposes, the salaries of officers, the wages of the engineers, &c., are expenses common to the whole establishment, and would be but slightly increased, comparatively, if the building were completed, and the number of patients increased to the full capacity of the Institution, when completed. Your committee are not insensible to the fact that the State is, at present, laboring under heavy burdens, imposed upon us by the war, but from the foregoing considerations, they are forced to the conclusion that an enlightened economy, as well as an enlarged philanthropy, demands the completion of the buildings at the earliest practicable moment. They have therefore instructed their chairman to recommend that the necessary appropriation be made, and also to report to the Senate a bill to provide for the appropriations herein recom-

ended, and ask to be discharged from the further consideration of the subject.

All of which is respectfully submitted.

S. H. BLACKMAN,  
THOMAS F. MOORE,

*Senate Committee.*

H. P. COMBES,  
F. H. RANKIN,  
J. B. COBB,  
A. J. KEENEY,  
W. F. JENISON,

*House Committee.*







[ No. 1.6 ]

**REPORT of the joint committee of the Senate and House of  
Representatives, relative to the Asylum for the Deaf, Dumb  
and Blind.**

The committee on the Asylum for the Deaf, Dumb and Blind, to whom was referred so much of the Governor's message as relates to that Institution, have had the same under consideration, and having, with a like committee of the Senate, visited the Asylum at Flint, in compliance with a resolution of the Legislature, have instructed their chairman to make the following report:

Michigan has been the pioneer in some useful improvements in the means of education, and where, from the comparative newness of the State, she cannot lead the way, is not content to be far behind; and accordingly, is contesting for supremacy, the claims of older States.

Our Constitution declares that "institutions for those persons who are deaf, dumb, blind or insane, shall always be fostered and supported," and the Governor's message enjoins the same duty upon the Legislature.

The main question, then, submitted to your committee, is

what appropriations shall be recommended for the Asylum for the deaf, dumb and blind?

To determine this, they have carefully considered the claims these pupils, the deaf, dumb and blind, have upon us for support and education, and the means required for that purpose. Assuming that the public sentiment requires the property of the State to educate its children, it is presumed there is no question as to the propriety and importance of educating this unfortunate class, and because they are to some extent objects of charity, our obligation is still greater. Schools for all our other children have been richly endowed; the school for these has not; and hence their stronger claim to our watchfulness and liberality. Those whose senses are normal, are better able to acquire education, without help; to these such acquisition is impossible. Ignorance is said to be the parent of vice, and uneducated persons of this class are justly regarded as dangerous and troublesome members of society, on account of their greater ignorance.

The conclusion is, that the claims of humanity, as well as the interests of the public, demand that this unfortunate but interesting class of persons should be educated, mentally, morally and physically, and that they should also be taught some trade, or handicraft, by which they may hereafter support themselves.

By the attentive politeness of the officers of the Institution, your committee were afforded opportunities to see every part of the building, and to examine into the condition of the pupils.

They were highly pleased with the beautiful, substantial and imposing appearance of the building, and the adaptation prospectively, of the interior arrangement to the ends to be attained.

The school wing, which is now the rear of the building, was built in 1854, and is the only part that is yet finished. It is well adapted for school rooms, but is inconvenient for other purposes for which it is used. The sitting-room for about forty pupils, is eighteen feet square. There is no convenient room

for chapel exercises, and there are no rooms for isolating the sick in case of contagious diseases. There are no rooms for work-shops for the boys.

The other parts of the building, no part of which is finished, are well built with excellent brick, and covered with slate.

They consist of a central building—the basement used for a kitchen, first story for a dining-room, and the second for a dormitory—an east and west wing, and a front building.

Your committee were no less gratified than surprised, at the improvement made by these pupils. In no other class of children does the effect of systematic mental training seem so apparent as in these deaf mutes, which is not strange, when we consider that, when they enter the Institution, they have no language. In the lowest class, the mind seems a blank, and the whole physiognomy dull—often stupid. But they watch their teacher for some arbitrary sign of a thing, the name of which they have learned, and when they catch the idea, a gleam of intelligence, like the twilight, seems to faintly brighten the countenance. In the next class, who have been longer under tuition, the eye begins to brighten, and the head to assume better proportions, and the whole visible manifestation of intelligence to improve, and so on, through the several gradations, to the highest class, that has been longest in the Institution, who will compare favorably with classes of the same age, in other schools.

The blind pupils, also, two of whom lost their sight in the military service, seem to be making a satisfactory improvement. They learn to find and read any given chapter in books prepared expressly for the blind, and are superior in arithmetical calculations. They learn geography, and write letters; but their favorite study and occupation is music.

They study under great disadvantage, for want of another piano, globe and maps. But the greatest necessity seems to be opportunities to work and to learn some trade, and this they cannot have until some more of the building is completed.

The trustees estimate that for the next two years they

will need for current expenses,..... \$24,000.00

Completing central building,.....	10,000 00
"        two wings,.....	25,000 00
Doubling heating apparatus, building cisterns, furni- ture, &c.,.....	10,000 00
Amounting in all to.....	<u>\$69,000 00</u>

From the foregoing considerations your committee recommend, with much confidence of success, an appropriation of \$10,000 a year for the next two years, for the support of the Asylum, and \$20,000 a year for two years to complete the centre and wings of the building. Believing that the building may be completed at less expense if done by contract, we so recommend, and a bill embracing the above objects is presented with the Senate report.

All of which is respectfully submitted, and your committee ask to be discharged from the further consideration of the subject.

EDWIN STEWART, *Chairman.*



[ No. 17. ]

REPORT of the committee on Public Lands, relative to the  
Swamp Lands.

The committee on public lands, to whom was referred that portion of the Governor's message relating to the swamp lands, beg leave to report that in the year 1850, the general government granted to the State of Michigan, all the swamp and overflowed lands remaining unsold at the passage of the act, amounting in all to 5,890,361.49 acres, with this provision, viz: that the proceeds of said lands, whether by sale or by direct appropriation in kind, should be applied exclusively, as far as necessary, to the purpose of reclaiming said lands, by means of levees, drains, &c., aforesaid. These were the only conditions of the grant. The State accepted the grant upon these conditions, and said lands thereupon became the property of the State, and when sold or appropriated in any manner, would be subject to all the provisions of the act granting the same. But inasmuch as the general government has left the matter to the State to decide what drainage may be necessary, the practice of the State has been to grant or sell such lands subject to the provisions of the act granting the same to the State. And

as the State does not say how much draining is required, the purchaser does not drain the lands unless he chooses to do so.

In accepting this valuable grant, therefore, by some strange oversight or omission on the part of Congress, the main object or design of the grant might be avoided. Yet the good faith of the State is pledged to a compliance in the condition of the grant, so far as may be necessary to accomplish the object in view, viz: the draining and reclamation of the lands.

The Legislature of 1859 passed an act to provide for the drainage and reclamation of swamp lands by means of State roads and ditches; and also passed an act granting forty acres of land to each actual settler on such lands, who should cultivate and drain the same.

The Legislature of 1861 amended the act by granting eighty acres to each actual settler, and also passed an act granting four hundred thousand acres for roads, and two hundred thousand acres for drainage, besides some other smaller appropriations for other purposes, unauthorized by the act granting the same, and contrary to the most liberal construction of the law.

The first act for the disposition of those lands, approved June 28th, 1851, pledged the faith of the State to the General Government, and also to all purchasers of such swamp lands, that the condition of the grant from the United States, and the condition of the sale of such lands to purchasers, should be faithfully complied with, as appears by section 2d, of said act, viz: "The minimum price of said lands shall be seventy-five cents per acre, and shall not be sold for less. All the money received from the sale of such lands shall be and remain a fund for reclaiming said lands, in conformity to the provisions of said grant."

Under the provisions of that act, 142,933.09 acres of said lands have been sold for the sum of \$118,212 49, at an average of seventy-nine cents per acre, or four cents per acre over the minimum price.

The second act, approved February 14, 1857, section 2, provides that said lands be offered at public sale, but shall not be

sold at a less price than five dollars per acre, which shall be the minimum price therefor. Of the proceeds of the sales under this act, twenty-five per centum shall be reserved and set apart as a drainage fund, for the purpose of aiding the counties in which such lands sold may lie, the interest of which, at the rate of seven per cent. shall be in pursuance of law, appropriated to drain such lands as are situated, and which, in the opinion of the supervisors, as are capable of drainage, and the balance of such proceeds, after deducting the necessary and lawful expenses of such sales, shall be appropriated, and constitute a part of the primary school fund.

The third act, approved February 4th, 1858, fixes the minimum price at one dollar and twenty-five cents per acre, and authorizes the Commissioner to sell at public auction all the swamp lands then remaining unsold, for which the State had received patents.

Section 5 of said act appropriates all moneys heretofore and hereafter received from the sales of said swamp lands, after deducting the expenses of sales; fifty per cent. shall be denominated a primary school fund, and the interest thereof at five per centum per annum, shall be appropriated and distributed in like manner as the primary school fund of this State, and fifty per cent. shall be denominated a swamp land fund, and the interest thereof at five per centum shall be paid over annually to the order of the board of supervisors of the several counties in proportion in which the same is received from sales in said counties respectively, to be used in draining and reclaiming said swamp lands in said county, and all moneys received on such sales as aforesaid, shall be used and applied to the payment of the outstanding indebtedness of the State, in which the same shall fall due.

This act also provides that actual settlers might purchase said lands by paying one-quarter down, and the balance at any time within ten years.

Under the law of 1857, the Commissioner declined to advertise the lands, not deeming it for the interest of the State; con-

sequently but little land was sold. The receipts for the year amounted to only \$6,525 36, and the sales only \$2,232 88, and the whole number of acres sold up to this time, amounted to only 146,980.16.

Your committee have given much time and thought to the subject of swamp lands, and they are unanimous in their opinion that the policy of 1859 authorizing the construction of roads, and the homestead act, granting to settlers eighty acres of land to each actual settler on such lands, is the only practicable mode of complying with the conditions of the grant; and until these lands are drained and reclaimed, no portion of the money arising from the sales, ought to be used for any other purpose. This policy has now become the settled policy of the State, and your committee would recommend no change, believing it to be the best, under existing circumstances. Your committee herewith present a statement, showing the amount of swamp land sold, licensed and reserved, from January 1, 1861, to January 1, 1863, and amount unsold, January 1, 1863. Also, a statement of swamp land road and ditch accounts, up to November 30, 1862.

All of which is respectfully submitted.

J. B. WILSON, *Chairman.*



**STATEMENT showing the amounts of swamp land sold, licensed and reserved, from January 1st, 1861, to January 1st, 1863, and amount unsold January 1st, 1863, in each county.**

COUNTY.	Acres sold.	Acres licensed.	Acres reserved to road & ditch on tracts, and for other purposes.	Acres unsold Jan 1, 1863.
Alcona,.....	220.70	498.39	519.17	120,357.97
Allegan,.....	884.00	2,580.76	1,987.70	11,529.46
Alpena,.....	1,296.00		520.00	244,830.13
Antrim,.....				38,980.50
Bay,.....	4,866.78	560.00	8,790.05	87,845.15
Barry,.....	136.50			483.28
Berrien,.....				105.29
Branch,.....				None.
Calhoun,.....				547.70
Cass,.....				567.52
Cheboygan,.....	254.66	901.80		174,318.81
Chippewa,.....			1,439.75	529,666.21
Clare,.....	1,225.37		840.00	88,703.27
Clinton,.....	125.51	240.00		5,614.41
Crawford,.....				41,311.65
Delta,.....	775.04		440.00	493,505.25
Eaton,.....	120.00	160.00		4,273.87
Emmet,.....				105,808.28
Genesee,.....	160.00			160.00
Gladwin,.....	2,360.00		13,164.77	82,656.21
Grand Traverse,.....				29,264.95
Gratiot,.....	1,800.00	6,188.98	823.50	28,331.45
Hillsdale,.....				None.
Houghton,.....	726.45		1,239.43	85,570.07
Huron,.....	3,090.37	9,190.32	13,865.52	128,394.26
Ingham,.....				2,633.03
Ionia,.....	197.10	528.41	153.90	1,910.98
Iosco,.....	79.62	410.78	1,479.62	66,152.50
Isabella,.....	799.54	600.00	1,729.88	46,246.49
Jackson,.....				None.
Kalamazoo,.....	80.00			85.87
Kalkaska,.....				44,634.15
Kent,.....	168.86	769.78	2,508.53	291.70

## STATEMENT—CONTINUED.

COUNTIES.	Acres sold.	Acres leased.	Acres reserved on road & ditch contracts, and for other purposes.	Acres unsold Jan. 1st, 1903.
Lake,.....				23,266.69
Lapeer,.....	885.27	1,764.56	600.00	4,652.87
Leelenaw,.....				33,421.20
Lenawee,.....				None.
Livingston,.....				662.43
Mackinac,.....	14.25	507.97		351,094.93
Macomb,.....				None.
Manistee,.....				47,623.60
Manitou,.....	40.00			2,842.75
Marquette,.....	49.88		6,460.24	454,520.57
Mason,.....				42,497.16
Mecosta,.....	920.00	3,686.00	2,636.37	42,669.04
Midland,.....	956.00	120.00	2,092.33	29,978.72
Missaukee,.....				104,244.03
Monroe,.....				4,561.35
Montcalm,.....	1,595.13	4,293.95	2,601.01	14,134.69
Montmorenci,.....			680.00	101,630.23
Muskegon,.....	248.78		21,938.43	23,121.64
Newaygo,.....	1,315.71	1,109.83	4,818.38	64,111.65
Oakland,.....				249.46
Oceana,.....				44,045.37
Ogemaw,.....	480.00		4,614.84	58,335.60
Ontonagon,.....				108,677.66
Osceola,.....	732.00		760.00	40,412.15
Oscoda,.....				22,924.75
Otsego,.....				39,287.70
Ottawa,.....	160.00	642.49	6,605.71	6,964.03
Presque Isle,.....	261.81		1,243.00	215,353.90
Roscommon,.....			1,163.34	99,112.03
Saginaw,.....	7,382.83	5,769.73	14,272.11	18,384.00
Sanilac,.....	5,228.02	6,785.85	1,760.00	72,218.00
Schoolcraft,.....	89.42			569,600.39
Shiawassee,.....	109.51	400.00		3,538.86
St. Clair,.....	200.00	3,022.75		8,110.97
St. Joseph,.....				40.00
Tuscola,.....	4,782.34	9,042.50	1,081.84	72,664.42
Van Buren,.....		254.97		1,056.13
Washtenaw,.....				None.
Wayne,.....				None.
Wexford,.....				27,339.91

*Statement of amounts due the several Swamp Land Roads, November 30, 1862.*

Balance of apportionments.....	\$11,730 16	
Ionia, Houghton Lake and Mackinac,..		\$95 71
Newaygo and Northport,.....		7,640 76
Port Huron, and Bay City and Lansing,		1,648 87
East Saginaw and Sauble,.....		426 70
Lexington and Flint River,.....		3 12
Ontonagon and State Line,.....		747 11
St. Mary's River and Mackinac, over-		
drawn, .....	56 00	
Marquette and Bay De Noc,.....		125 00
L'Anse Bay and State Line,.....		404 14
Allegan, Muskegon and Traverse Bay,		93 00
State ditches,.....		601 75
	<u>\$11,786 16</u>	<u>\$11,786 16</u>

*Statement of apportionments to Swamp Land Roads, November  
30, 1862.*

Total amount of apportionment,.....	\$83,385 92	
Ionia, Houghton Lake and Mackinac,...	\$8,135 52	
Newaygo and Northport,.....	14 302 07	
Port Huron, Bay City and Lansing,...	21,899 11	
East Saginaw and Sauble,.....	6,031 67	
Lexington and Flint River,.....	3,234 68	
Ontonagon and State Line,.....	4,668 89	
St. Mary's River and Mackinac,.....	2,788 27	
Marquette and Bay De Noc,.....	5,625 50	
Anse Bay and State Line,.....	4,048 60	
Allegan, Muskegon and Traverse Bay,	9,701 75	
State ditches,.....	3,500 00	
	<hr/>	<hr/>
	\$83,385 92	\$83,385 92
	<hr/>	<hr/>

*Statement of Lands paid the several Swamp Land Roads, November 30, 1862.*

Total amount paid,.....	\$46,846 31
Ionia, Houghton Lake and Mackinac,...	\$1,300 00
Port Huron, Bay City and Lansing....	17,766 82
East Saginaw and Sault,.....	15,410 35
Lexington and Flint River,.....	7,899 94
Allegan, Muskegon and Traverse Bay,	694 40
State ditches,.....	8,775 00
	<hr/>
	\$46 846 31
	<hr/>
	\$46 846 31
	<hr/>

*Lands paid on Contracts as cash, under Act 107, Laws of 1861.*

Port Huron, Bay City and Lansing,...	\$7,822 55	
East Saginaw and Sauble,.....	2,536 02	
		<u>\$9,958 57</u>

*Classes of Contracts on which Land has been paid.*

On cash contracts,.....	\$9,958 57	
On cash and land contracts,.....	12,488 17	
On land contracts,.....	24,404 57	
		<u>\$46,846 31</u>







*East Saginaw and Sable State Road.*

Full paid in cash and land,.....	1	1.	\$ 480 00	\$ 480 00	\$ 480 00	\$ 480 00
Part paid " (act 107) \$2,342 89,.....	4	13.	3977 64	.....	.....	9842 98
" p't cash & full land, (act 107) \$193 13,	3	7.	859 39	2747 50	2732 50	2732 50
" no " ".....	3	3.	.....	1317 50	1317 50	1317 50
Untouched,.....	9	25.160	.....	.....	.....	20374 00
" ".....	4	3.80	.....	.....	.....	661 87
Part paid,.....	1	Bridges.	194 99	.....	1026 8.	6875 00
	25	52.240	\$5512 02	\$4545 00	\$5556 87	\$41733 85

*Newaygo and Northport State Road.*

Full paid,.....	8	49 192	\$4507 00	.....	.....	\$ 4507 00
Untouched,.....	5	59.102	.....	.....	.....	10517 00
	13	108.294	\$4507 00	.....	.....	\$15024 00

*Lexington and Flint River State Road.*

Full paid, cash and land,.....	9	8.160	\$1100 00	\$4100 00	\$4100 00	\$1100 00
Part paid, full cash, no land,.....	1	1	200 00	.....	700 00	200 00
" part " ".....	1	1	100 00	.....	600 00	200 00
Untouched,.....	1	1	.....	.....	725 00	75 00
	12	11.160	\$1400 00	\$4100 00	\$6125 00	\$1575 00

*Allegan, Muskegon and Traverse Bay State Road.*

	Con- tracts	Miles & Rods.	Paid in Money.	Paid in Lands.	Contracted in Lands.	Contracted in Money.
Full paid in cash,.....	4	6	\$3300 00	.....	.....	\$3300 00
" " and land,.....	1	1.120	500 00	\$287 50	\$287 50	500 00
Part paid, part cash, no land,.....	1	2.280	515 39	.....	437 50	1000 00
	6	10.80	\$4315 39	\$287 50	\$725 00	\$4300 00

*Marquette and Bay de Noc State Road.*

Part paid,.....	1	50	\$6200 00	.....	.....	\$33750 00
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*L'Anse Bay and State Line State Road.*

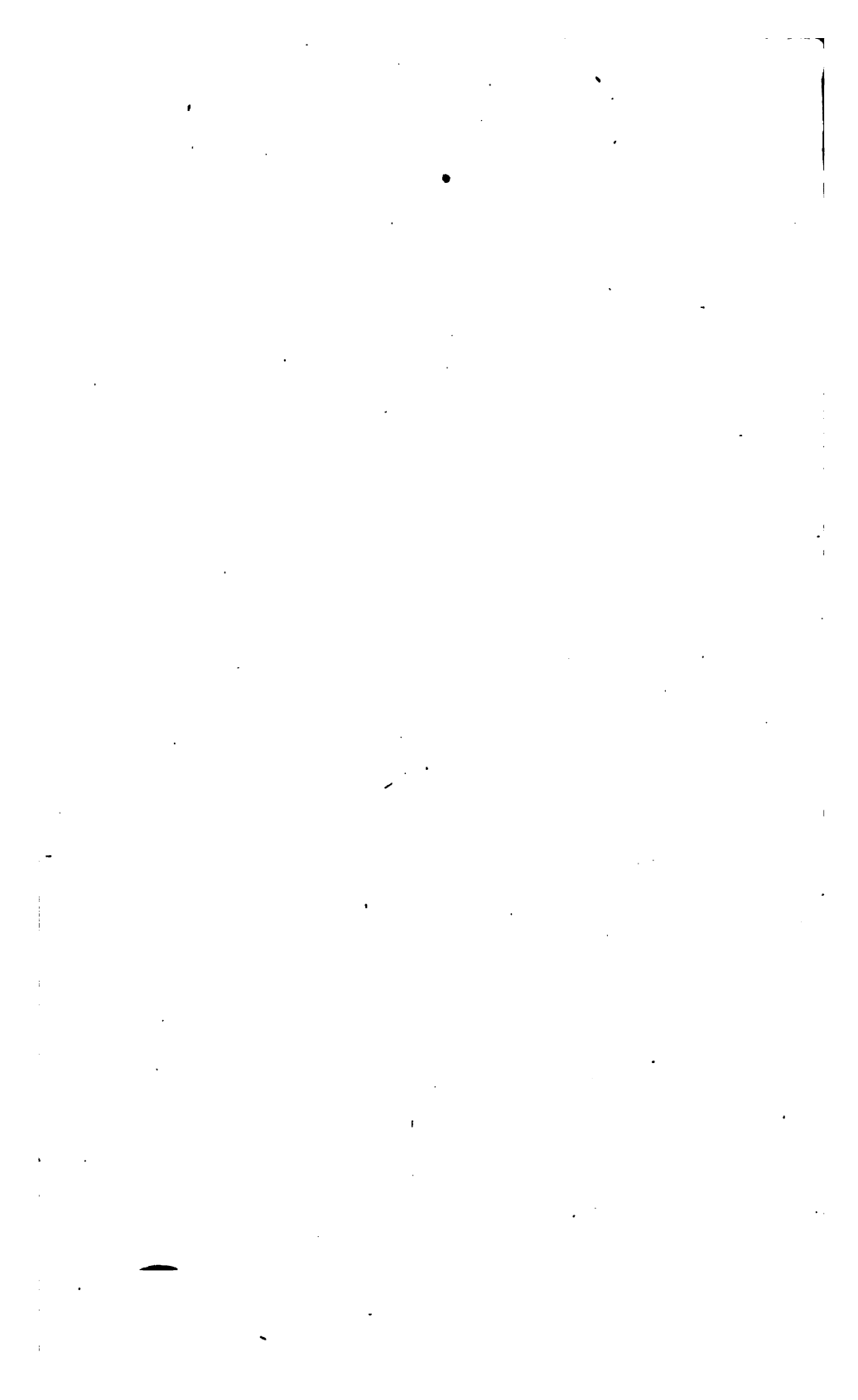
Untouched at minimum,.....	1	36	.....	.....	.....	\$6048 00
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*Recapitulation.*

Full paid,.....	54	104.79	\$30041 05	\$7283 08	\$7283 08	\$30041 05
Part paid,.....	41	120.310	21877 95	5209 09	9461 59	75469 32
Untouched,.....	52	186.173	.....	.....	2418 75	78336 94
	147	411.242	\$51419 00	\$12483 17	\$19163 42	\$184347 31

*Recapitulation.*

Ionia, Houghton Lake and Mackinaw,.....	14	12.239	\$ 5640 00	\$1300 00	\$2700 00	\$ 5640 00
Newaygo and Northport,.....	13	108.294	4507 00	.....	.....	15024 00
Port Huron, Bay City and Lansing, .....	75	129.189	23844 59	2250 67	4056 55	75726 46
East Saginaw and Sauble, .....	25	52.240	5512 02	4545 00	5556 87	41783 85
Lexington and Flint River,.....	12	11.160	1400 00	4100 00	6125 00	1575 00
Marquette and Bay de Noc,.....	1	50.	6200 00	.....	.....	33750 00
L'Anse Bay and State Line,.....	1	36.	.....	.....	.....	6048 00
Allegan, Muskegon and Traverse Bay,.....	6	10.	4315 39	287 50	720 00	4800 00
	147	411.242	\$51419 00	\$12483 17	\$19163 42	\$184347 31



[ No. 18. ]

**REPORT of the Majority of the Joint Committee on Education and Agriculture, relative to the Agricultural College.**

The majority of the joint committee of education and agriculture, to whom was referred so much of the Governor's message as relates to the Agricultural College, have had the matter under careful consideration, and submit the accompanying report, to which they invite the candid attention of the House:

It seems to have been a favorite idea with the people of the State, and with their representatives, from an early period, that there should be provided as soon as practicable, an Agricultural School, for instruction in agriculture and the natural sciences connected therewith; for the law establishing a University, makes provision for additional branches, and among them an agricultural branch; and at the time of revising the Constitution, the question of attaching such a school to the University was discussed, but the measure failed, simply because it was coupled with an appropriation of lands for the purpose of establishing a model and experimental

farm, which was thought to be inexpedient, because it placed the lands out of reach of the Legislature. But a provision was introduced enabling the Legislature to so attach the school whenever the interests of the State seemed to require it.

The Executive Committee of the State Agricultural Society, at their annual meeting, after the revision of the Constitution, petitioned the Legislature to establish an Agricultural School in connection with the University, and place it under the charge of the board of regents. The Legislature did not comply with the request of the petitioners, and in 1854 they sent in another petition, accompanied by a bill, for establishing a separate institution. The bill was amended somewhat, and adopted. It required, among its most remarkable provisions, that the College should be located within ten miles of Lansing.

The duty of locating the farm and College was conferred upon the Executive Committee of the State Agricultural Society. The Secretary advertised for proposals, and about the middle of June, A. D. 1855, that committee—leaving behind them the land-marks and evidences of civilization, and pushing forward into a wide and desolate wilderness—planted the first State Agricultural College on the Western Continent. Nothing but zeal—without any knowledge of the practical business of founding and building up a great institution of learning, of the absolutely needed influences and interests which alone could support and sustain so great, complicated and magnificent an enterprise, and which are found nowhere but in old communities—nothing but zeal, we say, can ever be pleaded in palliation of the great mistake of those who then thought to build up such an institution here, in the midst of primeval forests, broken only now and then by the small openings of poor settlers; where, as in all new districts, malarious diseases are almost epidemic; three miles from any settlement, and entirely separated from

all the genial and refining influences of society and friendly intercourse.

When the committee assembled at this place, for the purpose of locating the College farm, the Secretary of the State Agricultural Society read before them a lengthy address, in which he introduced a mass of testimony relating to the operation of Agricultural Schools in Europe, proving beyond cavil, that not only is the art of agriculture at its highest stage of development, where there are no purely Agricultural Schools, but that where such schools have been established, they have either failed outright, or have been obliged to add the ordinary College course, at least so far as to embrace other sciences, history and modern literature. And why—after having had before them such a mass of facts, brought to light by the experience of those old countries, and after hearing the unanswerable arguments contained in a paper from Prof. Winchell, as to the policy of uniting the College with the University, and the disadvantages which must follow a separate system, which was embodied in this address—why the committee did not at once retrace their steps, and leave the hurried action of the Legislature to be re-considered, is not easily determined. To illustrate the policy of the State, and of the Agricultural Board, let us introduce a comparison:

A firm is engaged in the manufacture of machines. Extensive buildings and work-shops are erected, supplied with all the necessary fixtures—machinery, motive power, tools and apparatus, and with a complete corps of operatives, so that they are able to meet all existing demands upon the establishment. Years roll round and the manufactory has become firmly settled, on a sound business foundation. But now, a new want arises—as is frequently the case in new communities, or, in progressive communities anywhere—for an article somewhat different in its nature from the ordinary manufacture, and it is found that the machinery in use will not supply it fully and that the number of hands must be in-

creased. Now, what does this firm do? Do they decide to erect new workshops, duplicate all their machinery—motive-power, shafting, pulleys, gearing, belting, heating apparatus, tools, and all the necessary incidental expenses, employ another set of workmen and build residences for them? Or do they conclude to make a few simple additions to their machinery, employ a few more workmen, and then, with true economy, make every man and every machine work to the full extent of their capacity. In the mind of every business man, there can be, of course, but one answer to these propositions. A repetition; or duplication of expenses, is always considered a most dangerous experiment—a leak which will almost surely bring prostration, if not ruin, in any business. They would most certainly decide to make the additions to their machinery and force needed, and use their old workmen, whose skill and experience could be relied upon.

Now, a College or a University, is only a manufactory on a higher and grander scale, supplied with all the machinery, apparatus and operatives, necessary to turn out well educated and polished men and women; and it must be conducted on a strict business basis, or it cannot in any measure be successful.

When the new demand was made upon the State for what has been termed agricultural education, (empirically,) and its legislators began to look around for the means of meeting the demand, we had our noble University in full operation, doing an extensive and prosperous business, with a full supply of machinery, apparatus and help, to carry on its then accustomed routine of labor; and by the simple addition of two or three professorships, and a small cultivated farm, it could have performed all that the new demand required, with entire satisfaction, and without disturbing at all the regular courses of the Institution.

But the State decided to build another manufactory and



to add to it a vast domain of land and timber; buy new machinery, procure a new and untried set of hands, build residences for them, and in fine, with the hard earned money of the people, duplicate all the running expenses of the one established institution, and much more than that, without increasing one iota the educational advantages to the people, more than might have been done with less than one-quarter of the expense already incurred. Was this, we ask, sound statesmanship? Was it true political economy?

But to vary the simile somewhat, so as to illustrate our present condition: The State now finds itself in possession of two extensive manufactories, devoted to the same purposes and objects, and situated in different parts of the State. They are both necessarily expensive. It is found that one can, with a trifling expenditure, do all the labor of both, and with its old operatives and its well regulated and extensive machinery, can do the work better and cheaper than can be done by new hands, with imperfect machinery and means. On careful investigation this is found to be unmistakably so. The simple question then is, shall the Legislature unite the two under the old, experienced corps of operatives? And now when the State is deeply in debt, when the condition of the country and its finances warn every true economist of the great danger of unnecessary public expenditures, when the people are burdened with a taxation for the support and maintenance of the Government, such as they never before dreamed of enduring, this question comes to us with increased force, inasmuch as the union of the two institutions will save to the State, the immense sums which must be expended in supporting and carrying them on separately.

As this is the most delicate as well as weighty proposition coming within the scope of this report, your committee feel that it deserves a most careful consideration, free from all bias, local prejudice, or personal interest whatever, and that the question should be put upon the broad basis of State

policy and the general good; all local questions should be ignored.

In addition to the preceding observations and arguments, which are believed to be correct in principle, and entitled to some weight, some further considerations, bearing upon the same points, will not be out of place. Gov. Andrew, of Massachusetts, in his late address to the Legislature, alluding to the grant of land by Congress, says with great truth and force, "this Congressional grant of Congress we shall not use wisely, if we make of it simply a means of giving farmer's sons such an education as they could obtain by living on a well managed farm and attending an ordinary high school. It must be made the means of a positive increase of human knowledge in the departments bearing on agriculture and manufactures, and the medium of teaching not only farmers, but those who shall become teachers and improvers of the art of farming.

"Such an institution should have ample lands for experimental purposes, and even on a moderate scale of completeness, should embrace the following distinct Professorships: 1. Mathematics, pure, and applied to Surveying, Levelling, &c. 2. Drawing and Design. 3. General Physics and Meteorology. 4. Mechanics and Engineering, especially as applied to agricultural machinery and processes to rural architecture, road making, &c. 5. General and Agricultural Chemistry. 6. Chemical analysis, especially as applied to soils, manures and products. 7. Botany and Vegetable Physiology. 8. Zoology and Animal Physiology, including breeding of animals, their diseases and treatment. 9. Geology and Mineralogy. 10. Practical Husbandry." He goes on further to say: "The act of Congress does not make provision for an Agricultural School of the highest class in each State. Nor would it be possible now to find, disconnected from our Colleges and Universities, as many men of high talent, and otherwise competent, as would be required to fill the chairs of one such school. But Massachusetts already has, in the

projected Bussey Institution, an Agricultural School, founded, though not yet in operation, with a large endowment, connected also with Harvard College and the Lawrence Scientific School. She can, therefore, by securing the grant from Congress, combining with the Institute of Technology and the Zoological Museum, and working in harmony with the College, secure also for the agricultural student, for whom she thus provides, not only the benefits of the national appropriation, but of the Bussey Institution, and the means and instrumentalities of the Institute of Technology, as well as those accumulated at Cambridge. The benefits to our State, and to our country, and to mankind, which can be obtained by this co-operation, are of the highest character, and can be obtained in no other way."

Here we get an idea of what constitutes an agricultural education, and of the means which are to be employed in acquiring it, which it is believed we may study with some profit. The entire collegiate force of the State is to be combined for the benefit of the sons of farmers and mechanics. Labor is to be elevated and made honorable by throwing open to it the entire educational resources of the State. "I cannot doubt," says Gov. Andrew, "that the people of the Commonwealth have a right to those benefits; the prevention of all the waste of means, the weakening of resources, the repetitions of professorships, libraries, apparatus and other material, consequent on scattering instead of concentration. The object should be to centralize and economize means and power, while distributing and popularizing education and its fruits."

We shall not dare to quote further from this admirable message, lest we weary the patience of the House; but it contains unanswerable arguments against that fatal policy which scatters the means of the State upon various projects, making and supporting only third-rate institutions, and finally bringing the vital educational interests of the State into disrepute. If our State is to retain her place among those that are lead-

ing educational States, she must unite her means, instead of dispersing them, upon one institution, developing that, so that it may embrace every interest, and pour the gladsome light of universal science upon every profession, upon every industrial art, and every trade. Then shall we be able to realize, by actual experiment, the grand and true idea of a University.

The University now costs the people of the State, annually, for its support, \$40,000; but with this sum, additions to the library, museum, gallery of art, &c., are yearly made. The library, apparatus and other means of instruction, have cost the people of the State \$50,000. These sums are freely given, inasmuch as it has been the intention of the people, from the beginning, to build up here an Institution, which, in time, may rival the old Universities of the east, embracing every science, every art, and visiting, with its benefits and benign influences, every home in the State. Now, it is only asked that the means within our control should be so employed as to "build on the foundation our fathers laid, and endeavor to make actual, in the life of our society, their grand ideal of a University, equal to the wants and the capacity of our people. While we ignore the centralization of political power, we have no fears of the concentration of the means of education. We would gladly concentrate in one, all the Colleges in the State; and what an array of gifts, talents and means of comprehensive illustration such a union would bring together!

A word as to the location of the University. The section of country in which the city of Ann Arbor is situated, has attracted the attention of every one who has visited the place. All around, in undulating beauty, watered by the winding Huron, lies a country, rich, healthful, ornamented with substantial dwellings of intelligent agriculturists, well fenced, well cultivated, and dotted everywhere with orchards and fine gardens. The city of Ann Arbor contains an intelligent, courteous, and enterprising class of men and women;

and the industrious and high-minded student has easy access to the best society.

Let us sum up now, the certain advantages which a transfer of the Agricultural College interest to the University, would afford to the student and to the State at large:

1. It will prove a saving of further outlay for buildings, for some time to come, at least;

2. It will save all further expense for library, apparatus, museum, &c.;

3. The advantage to the agricultural student of the Geological and Mineralogical collections of the University, which cannot be surpassed in the country and cannot be duplicated without a re-survey of the State. In the collections also, of birds, quadrupeds, insects and plants, the outfit is such as the Agricultural College could not, for many years, equal, and indeed it would be an unwarrantable expense to purchase the same over again;

4. By uniting the apparatus of the College with that of the University, all classes of students could share the benefits of an extensive laboratory;

5. An entire saving to the State of the amount now paid to Professors at the College. Your committee have ascertained that no appropriation will be needed in this line at the University;

6. A saving of all incidental expenses;

7. The University affords superior means of instruction in every branch;

8. The incidental advantages of a large Institution where all the sciences are taught;

9. The advantage to the student of boarding in private families;

10. Scientific agriculture is necessarily a part of University instruction;

11. It will centralize and reproduce, instead of dispersing our educational resources;

12. The advantages of society, business, trade, and a healthful climate, over an isolated residence in the woods, with ague or an aching liver for a comforter;

13. But last and most important of all, the more complete and thorough education which the University can offer to the agricultural student. Your committee believe that the proposition to give the sons of agriculturists and mechanics an education essentially different from that of other classes, is entirely erroneous. The manual labor professions are as often now represented in the halls of legislation, and in all public enterprises, as any other. Then why should they not be as thoroughly educated, and be permitted to obtain that education on an equal footing with other professions? Why should your son and mine, because you are a mechanic and I a farmer, be sent into the wilderness to school, to pile logs and dig stumps, while the sons of our neighbors have access to the cultivated society of our best agriculturists, mechanics, merchants and professional men? Is there any good reason for it? Shall we not demand it as a sacred right, that the means of the State shall be so employed, that its benefits may be universal?

The Faculty of the Agricultural College propose:

1. "To impart a knowledge of science and its applications to agriculture."

This idea of the application of science to agriculture has had a run of several years. It has served a purpose with theoretical writers and teachers to give a fine turn to a sentence, or to make a show of knowledge without a specific conception as to what it involved; and after all, the student is generally left to make his own applications, which, in truth, he will usually do without much assistance. What we most want is knowledge, properly and thoroughly imparted; the application follows as a sequence. Knowledge is power, and few persons neglect or refuse to use it, or apply it, when opportunity offers. But how is it proposed at the Agricultural

College, to learn to apply the knowledge gained in the laboratory? There the operations in the laboratory or lecture room are conducted by one person, the out-door applications by another. The Professor imparts instruction to the students in the various branches, and the farmer imparts a knowledge of the applications. But the query is, how is the farmer to know, when the class comes to the field, what the Professor has been teaching? But again: suppose that the Professor has been teaching the chemical principles involved in any operation—in the proper preservation of manures, for example; or again, in the curing of hay, how is a practical farmer, who has not given his attention to science, to teach the application, and when he was not present with the class during the lecture?

The Faculty propose:

2. "To impart a knowledge of agriculture as an art." We have examined fully the history of Agricultural Institutions, and though this has been one of the leading objects as proposed with all of them, yet we have been unable to find a single instance where anything has been accomplished worthy of mention. The truth is, such Institutions are always behind our best farmers, who manage their own affairs, and who, of course, from the strongest of motives, conduct them after the most approved method. Practice in farming, is always ahead of science, and so it has been with nearly every manipulated art. Practice, by repeated trials, establishes facts, without inquiring about the philosophy of them; the scientist follows, taking the facts as data, and establishes and unfolds principles, and draws his deductions. Therefore, for an institution of learning, to attempt to teach practical farming, when the student can go to the neighboring agriculturist and acquire a more thorough knowledge in less time, and get pay for his labor besides, will surely prove an abortive undertaking.

3. "To prosecute experiments, promote the science of agriculture and improve the methods employed."

Every practical man will look with much interest to these contemplated investigations and improvements. But inasmuch as we are called upon to express our views on all matters pertaining to this important subject, we must say to the Faculty, that with the means in hand, the Institution imperfectly organized, an extensive, rough and rugged farm, relying upon the labor of students, we do not understand what useful experiments they can undertake, nor what valuable new methods they can develop.

The expenses of the Agricultural College have been as follows:

1855,.....	\$10,358 95
1856,.....	34,181 50
1857,.....	48,619 01
1858,.....	3,158 85
1859,.....	17,676 45
1860,.....	13,219 43
1861,.....	9,597 50
1862,.....	13,506 62
Total,.....	<u><u>\$150,318 31</u></u>

Being for grounds, buildings, furniture, apparatus, salaries and running expenses, &c.

The expenses of the Boarding Hall are \$2,500 over and above the receipts, per year. This arises from paying students 7 cents per hour as a bonus for attending school. The average yearly expenses have been about \$19,000!

In case the College is transferred to the University, this annual drain upon the treasury will be saved. No appropriation will be required from the State, to carry out the highest wishes and hopes of the friends of agricultural education in the State—not a dollar. If a Military School is attached, a small appropriation will need to be made, not exceeding \$3,000 annually, for a time. Besides these advantages, your committee are assured by one of the leading citizens of Ann



Arbor, which they regard as entirely reliable, that in case the Legislature see fit to make the transfer of the College to the University, the citizens of that city will donate to the College 40 acres of land lying within a proper distance, or they will raise \$5,000 in money, to be applied in improving any such lands as the State may purchase. The proceeds of the grant of land made by Congress, will sustain the College in connection with the University, at the highest point of usefulness, while, if the Institution is continued separately, it will not half supply its wants.

The important question now arises: what would be done with the College Farm in case of a transfer? The peculiar condition of another State interest seems to furnish an answer.

The State has taken upon herself a great and generous trust; one that honors her, and those also into whose hands it is more directly entrusted. We allude to the Reform School. Never did a people engage in a more humane and noble enterprise; never did a State adopt so simple and cheap a scheme, as is embraced in the system here adopted, for the suppression and prevention of crime. This Institution is full and overflowing. A most alarming and virulent disease has lately broken out suddenly, among the inmates, owing to their crowded quarters. The managers want the College Farm, so as to enable them to adopt the family system, so successfully introduced in other States. Shall we give it to this noble work? We can safely trust an intelligent and humane people to answer.

Your committee can barely suggest these propositions. The tedious length which this report has reached, forbids any discussion of questions so weighty. They are, therefore, left for your consideration and disposition.

Your committee beg leave to offer two bills, which embrace the objects contemplated in this report, entitled

A bill to provide for the reorganization of the Reform School, and for making certain grants thereto;

A bill to provide for uniting the State Agricultural College with the University;

And ask to be discharged.

CHAS. BETTS,  
WILLIAM WARNER,  
H. J. BEAKES,  
B. M. WILLIAMS,  
GEO. L. CRANE,  
E. B. WINANS,

*Majority of the Committee.*





[ No. 19. ]

**REPORT of the Minority of the Joint Committee on Education  
and Agriculture, relative to the Agricultural College.**

The minority of the joint committee on agriculture and education, respectfully report that they have had under consideration the affairs of the Agricultural College, and among other questions, a proposition to abandon the College, and establish in its stead a Department of Agriculture, in the University at Ann Arbor.

In discussing the question of removal, it is important to avoid the confusion of measures properly distinct. It is said that in abandoning the Agricultural College, the farm and buildings that have been purchased and constructed at so much expense, will not be lost to the State, as they can be used for a department of the Reform School. It is said that the removal would save to the State the appropriation asked for the expenses of the College, up to the time when sufficient funds would be derived from the late grant of Congress. These suggestions have no natural connection with the question, "shall the College be removed?" Our present action is

not confined to the spending or saving of a few thousand dollars, but bears directly, perhaps definitely, upon the proper foundation of an institution, destined before many years, to command a large income for the interests of the people of the State. The real question is, will the science and practice of agriculture be better promoted in an independent College, such as the Agricultural College now is, or in a Department at the University? and this question should stand apart from other issues, and be considered on its own merits.

The College has been in existence, in its present location, some six years. It has passed through, it is believed, that period of early struggling which observation proves, every institution of a like nature must experience. There has been obtained for it now, a munificent endowment from Congress and former Legislatures. Interests and sympathies have gathered around it in its present location, and it is believed that it would be unjust, to say nothing of the policy, to remove it now.

The policy of the government of the State has always heretofore been, and doubtless should hereafter continue to be, to distribute the various State institutions to the different parts of the State. It was this policy that induced the location of the State Prison at Jackson, when that place was new and insignificant as compared with Detroit. It was the same policy that gave the University to Ann Arbor; one Asylum to Flint, and the other to Kalamazoo; the Normal School to Ypsilanti; the Agricultural College to Lansing, and the like. And it may be safely calculated that as new institutions become necessary, they will be so distributed as to do justice to other parts of the State, and at the same time advance the interests of the whole. It cannot be justice or sound policy to concentrate all the institutions, even the educational institutions, at one place. A wise government will labor to develop every part of its territory. The new idea of "concentration and centralization" of all the insti-

tutions of education in the State, is not calculated to promote the interests of all sections, or work the greatest good to the greatest number.

The principle upon which the removal of this College to Ann Arbor is advocated, will, if adopted, be injurious to the prospects and interests of every other locality in the State not at present as fortunate.

If the Agricultural College ought to be removed to Ann Arbor, because of the great advantages of that place, then should not the Normal School, the College at Adrian, and those at Hillsdale, Olivet, and other places in the State, be removed to the University, for the same reason? Surely, the same reasoning applies to them.

The proposed policy of removal and of concentrating our institutions, is calculated to create uneasiness and alarm throughout the State, as its principle must be impolitic, unjust and ominous to the hopes of other sections.

The Agricultural College has been in operation as one of the established educational institutions of the State, and should not be disturbed, except for the best of reasons.

In discussing the question of removal, several propositions are to be considered:

1. Can the course of agricultural education be better pursued in a department at Ann Arbor, than in the independent Agricultural College?
2. Will a dependent department at Ann Arbor gain more agricultural students than the independent Agricultural College?
3. Which plan will prove most advantageous to the agricultural interests of the State?
4. Which plan will, in the end, be the cheapest?

Upon the first, second and third questions, the undersigned have no doubt. They think the great interests of agriculture demand an independent Agricultural College, and that such an Institution alone can meet the wants of community and accomplish the objects intended.

As agriculture is but the application of several other sciences, growing out of chemistry, geology, meteorology, mechanics, &c., the first thought might be, that a professorship or two, in Colleges where these sciences are pursued, would answer all requirements for a thorough agricultural education; but a further inquiry would, prior to any trial, give rise to serious doubts as to the policy of such a connection. First, agriculture is so complicated an art, depends for its highest exercise on so various a knowledge, that the course of a student's study should, for several years, be pursued with distinct reference to it. Again, the successful prosecution of agriculture requires that the habit of manual labor shall not be discontinued during the period when an education is acquiring. This daily labor is a habit discordant with the general habits of students, at least as an essential thing, is a variation from the usual discipline of College life.

Our first inquiry would naturally be, after the experience of other Institutions, and the counsels of men who have given their attention to the subject. The advice of such men is almost unanimous in favor of independent Agricultural Schools. A report concerning Agricultural Colleges was made some years since to the Legislature of Massachusetts, by a commission appointed for the purpose. It was written by Dr. Edward Hitchcock, the learned geologist and educator, who spent several months in the examination of English and European Agricultural Schools. Governor Andrew, in his late message to the Legislature of Massachusetts, styles it "the excellent and elaborate report of Professor Hitchcock, comprising the results of his learned researches, and survey of the Agricultural Institutions of Europe." Dr. Lee, of the Patent Office, speaks of it as *exhaustive*.

The following are extracts from that report:

"VI. *European Agricultural Schools have taught us some important lessons.*

"6. That agricultural professorships, in Colleges and Uni-



versities, are not sufficient. 1. Because lectures of this sort attract but few of the students of the Colleges, who are looking forward to professional life. Such is certainly the case everywhere in Europe. 2. Because the two classes of students, who would thus be brought together, would have too little sympathy to act in concert, and as equals, in the same Institution. 3. Because, without such concert and sympathy, one or other of the classes of students would feel no pride in the Institution; and without such an *esprit de corps* it could not prosper. 4. Because such professorships, unless numerous, would be entirely insufficient to accomplish the objects desired.

"IX. *We learn, from European experience, that independent Agricultural Institutions are essential to accomplish the object which is aimed at.*

"1. Because the field is wide enough to require such establishments. The principles of agriculture are based upon a large part of the physical sciences; and it requires a good literary education to understand those sciences. No man can understand the *principles* of farming, who is not more or less acquainted with chemistry, anatomy, physiology, botany, mineralogy, geology, meteorology, and zoology; and then the practical part requires an extensive acquaintance with various branches of mathematics and natural philosophy. Many important principles of agriculture can, indeed, be taught in the primary schools, or academy; but there should be, somewhere, institutions of a higher character, entirely devoted to a thorough instruction and investigation of the science of the subject.

"2. Because it demands extensive collections, of various kinds, in order to elucidate the principles of husbandry; enough, indeed, to belong to any scientific institution, and too many to form a mere subordinate branch of some institution with a different object in view.

"3. Because the number of institutions must be so large,

that they could not conveniently form an adjunct to some other institution.

"4. Because the interests of agriculture are large enough to demand an institution definitely consecrated to their promotion. No other art is so important, and I may add, no other is so difficult to be successfully cultivated; and, therefore, every means possible should be employed to render it assistance.

"1. Many of the principles of agriculture are, indeed, themselves yet unsettled; but a great many are settled, of which our farmers are yet ignorant, or know them only imperfectly. To explain and illustrate these, will be the grand business of agricultural schools. Hence, it is the sons of farmers who would be most interested in attending them. But there are many others, who desire to prepare their sons for agricultural pursuits; at least, to enable them to oversee farming establishments, if not to labor with their own hands; and they would find such schools a most important auxiliary to their success.

"2. In such schools our youth would find an excellent opportunity of learning the best method of conducting the practical operations of the farm; in other words, of seeing theory reduced to practice. They would learn, also, how to labor with their own hands, for I take it such a requisition would be indispensable in these schools. And thus might we hope that practical farming would become more popular, as it should be, among all classes of the community.

"3. These schools would form centres of information on the subject of agriculture, and from them our farmers could derive important aid. They would keep in communication with similar institutions throughout the world, and thus would learn all that might be new or important in husbandry, and spread it through the community.

*"But what shall be the character of the Agricultural Schools?"* This difficult inquiry I would meet by a few suggestions. But after the survey that has now been taken of agricultural education in Europe, it cannot be expected that I should

recommend, or that the community will be satisfied, with schools of an inferior class. Twenty, or even ten years ago, it might have answered to propose the introduction of agriculture into our primary schools, or as a department in our academies, or a professorship in our colleges. All this it may be well enough to do now, but something more must be done. So Europeans judge, and accordingly, as we have seen, they have started institutions with as ample a foundation, and as numerous a body of instructors, as we find in most of our American colleges. Nothing short of this, as it seems to me, will be sufficient for our country; nay, I fancy that at least one such superior institution is needed in each of our States. The work to be done is too great, the number of teachers is too many, and the amount of various collections too large, to attempt to attach an agricultural school to some other institution, and that too, as only a subordinate branch. Even if agriculture is taught in our colleges, academies, and primary schools, it needs some one institution devoted entirely to the subject, to give effect and completeness to the subordinate teaching, and to carry it still farther; otherwise the agricultural knowledge will be as the literary would be, if the universities and colleges of the land were taken out of the way, and only the primary schools and academies remained.

“ But though our community, as I believe, especially the intelligent farmers, are prepared to appreciate the importance of such superior institutions, I fear that but few are ready to devote the amount of funds requisite for putting such a seminary at once into full operation. Nay, none but those who have had experience know how large an amount of money it requires, with the strictest economy, to found and carry on successfully a large institution of learning. My hope is, however, that the government and the people will start this enterprise, if they do it at all, with a high standard in view, even though they cannot, till a considerable period, reach the height of their wishes.”

Governor Andrew, of Massachusetts, in his late address to the Legislature, advises them to unite the fund arising from the grant of Congress to the Bussey endowment, making it necessary to have the course of agricultural instruction given in Roxbury, several miles distant from Cambridge, the seat of Harvard University. The farm at Roxbury consists of over two hundred acres of land.

Professor James F. W. Johnston fills the chair of agricultural chemistry in Durham University, England, and is the author of an agricultural chemistry of high value.

In one of his lectures delivered before the New York State Agricultural Society, a few years since, he says:

"It has been proposed to attach agricultural departments to some of the colleges. To that there can be no objection; at the same time, any encouragement which the State may give to this kind of instruction, should be given to the one school by which all other schools will be regulated, when once you get it fairly organized.

"There is this difficulty in regard to attaching agricultural departments to existing colleges, that if this new department is under mere scientific men, the proper wants of farmers' sons will not be properly looked to. So sensible am I of this, that in the suggestions I made to the Legislature at New Brunswick, as to the mode of improving its agriculture, whilst I recommended an Agricultural School at Fredrickton, where there is a college, I have recommended that it should not be connected with the college, because they are not practical men, and are not calculated to give instruction to pupils intended for practical life. What is true there, is true all over the world. It is necessary that such a school should be in charge of men who understand agriculture, and the wants and wishes of agriculturists, and who know what should be done to improve both."

Professor J. C. Holmes, formerly of the State Agricultural College, says:

"As we are able to judge from the past experience of

others, I think we may safely say, that if we expect to meet with success in establishment, continuance, and practical utility of an Agricultural School, it must stand separate and apart from all other institutions of learning, and upon a basis of its own.

"To teach thoroughly the science and practice of agriculture, must be the main object of the Institution, for our agricultural interest is paramount to all other interests in the State; therefore these teachings must not be made secondary or subservient to any other object."

The committee on Agricultural College in the board of agriculture of the State of Maine report, among other resolutions, the following:

"*Resolved*, That the fund arising from this fund (the grant of Congress,) will not be, in the opinion of this Board, more than sufficient for the suitable endowment of one efficient school of the kind contemplated.

"*Resolved*, That such a school should not be incorporated with, or appended to, any of the literary institutions of the State, because they are designed for, and adapted to, a different style of education and training, and also because a liability would thereby be incurred of an overshadowing influence from, or an absorption into, the institution to which it is attached."

Professor L. R. Fisk, late of the State Agricultural College, after quoting and approving the above extracts from Dr. Hitchcock's report, in an address delivered before the last Legislature, remarks:

"It cannot be doubted, then, that the farmers of Michigan and the Legislature acted in accordance with the experience of European institutions, and principles that are almost self-evidently true, in providing for a separate and independent organization of the Agricultural College."

Professor Fisk, in the able address referred to, again says, as we think, with truth and wisdom:

"Doubtless the agriculturists of Michigan who originated the College, and insisted that it be made a separate institution, were governed by what they considered good and sufficient reasons.

"They unquestionably discovered the fact that from the nature of the case success could be obtained only by making Agriculture the central and leading idea of the institution; that to make it subordinate would inevitably crush out its life; that like the water of the outer circles of the maelstrom, it would be drawn to the engulfing centre and be swallowed up and lost forever. Agriculture must be the grand nucleus around which all the parts revolve. It must be that in which the whole organization centres. It must be the heart of the Institution, the very sun of the system, with its light and heat, rather than the dependent satellite.

"Agriculture has far less attractions for the young than the professions. It is very seldom that the farm is chosen in preference to what are called the learned professions, if all are equally accessible. There is a degree of eclat attaching to the latter. There is more that is captivating in the name; and they offer higher assurances of speedy success, and seem to point out an easier road to distinction. It is well known with what eager steps our young men who have been favored with academic and collegiate instruction, press towards these professions. The charm may be a delusive one, but yet it has its hold upon the mind. The result is, and experience confirms the theory, that where these elements exist together in the same institution, the agricultural is absorbed and swallowed up by the others."

The purposes of an Agricultural College show these conclusions to be true. These purposes are so well expressed in the address already referred to, that we again quote:

"1st. It will be a source of original knowledge. The experiments instituted cannot fail in time to advance the science of agriculture, both by revealing more successful methods of farming, and warning against those processes that are un-

profitable. Much light should originate from this source. With the cordial co-operation of intelligent farmers throughout the State, suggesting experiments and tests which would solve questions practically important; feeling that the Institution was founded to aid them, and that they are doing here, by, proxy that which it is often impossible for private farmers to furnish facilities to accomplish by themselves; and being governed by enlightened views, we can unitedly make this Institution a guiding star to the farmers of the State. Farmers of Michigan, the College is yours, and it is in your power to make it eminently useful.

"2d. By the labors of the farm, the instructions of the lecture room may be illustrated and impressed on the mind. In gaining a knowledge of the scientific principles involved in agriculture, practice should never be separated from theoretical instruction. Young men should not only learn the principles, but they should be taught to apply them, and thereby they learn them more perfectly and in a wider sense.

"3d. The Institution furnishes extensive means of instruction in the scientific principles of farming. The truths, established by experiments prosecuted in different parts of the world, are presented; the student is made acquainted with those facts and laws of the mineral, vegetable and animal kingdoms, which throw any light on the philosophy of agriculture. Special facilities, such as Laboratory, Museum, Cabinet, Herbarium, Botanical Garden, are provided for imparting instruction such as no farmers can derive from a private source.

"4th. Agriculture becomes ennobled by its association with study. Being the leading element in a college course in a State institution, it is invested with an importance, educationally, which is not usually awarded to it.

"5th. Manual labor is made honorable, and all become impressed with the idea that it is honorable. There is a feeling too prevalent among the young that it is dishonorable to labor. Here it is a positive requirement. It is indeed an

essential element in the success of the Institution, and all are taught too look upon it as a part of a great plan to accomplish an important work.

"6th. It will exert a strong influence in retaining educated young men in industrial pursuits. In almost every case, young men in college acquire a disinclination to labor, as well as a physical incapacity for labor. They are shut out from the laboring world; they do not mingle with it; they lose their sympathy for it; they are accustomed to regard themselves as occupying a peculiarly favored place above the laboring class. Hence they crowd what are called the learned professions, as presenting attractions peculiarly suited to their tastes. College training generally draws an impassable line between educated talent and the industrial world. If the object be to educate all classes, this certainly is a serious evil. Says one of the Professors in our own State University, in a communication some time since given to the public: 'In the University designed for the training of professional men, the destined agriculturist will not only fail to obtain that *kind* of liberal training and scientific knowledge which are adapted to his life, but there will be nothing congenial in the atmosphere of such an institution to the moral and social nature of the farmer whose habits of life remove him from those who resort to Universities.'

"The truth of this statement is plain to all. The spirit of such institutions is necessarily adverse to the habits of the working classes. Take four or five years of that part of a young man's life in which he is cultivating the mind, acquiring habits of thought, assuming mentally a fixed character, in which he is making preparation for his future career, and shut him out from the business world; keep him from mingling with it, give him an entirely different atmosphere; make him breathe it, and get accustomed to it, and love it, so that his habits of thought and his spirit shall be wholly disconnected from industrial pursuits, and will you not effectually produce a total alienation of his life from those scenes



requiring labor? How can it be expected that a man will become interested in labor when you educate him to neglect and wholly ignore it? And just so long as our colleges pursue their present system, will there be an inevitable tendency to form two classes in society, the uneducated laboring class, and the educated non-laboring class. Now I look upon the system of Agricultural Colleges, imparting a knowledge of agriculture, and embodying labor as an essential element, as designed to work the grandest results in favor of industrial pursuits, by retaining the sons of the farmer on the farm, and thrusting educated talent into those branches of business demanding labor. Should these be the only beneficial effects growing out of these institutions, they would amply repay the cost. They would ultimately increase the farming capital far more than the expense incurred in their support.

"7th. Agricultural Colleges afford physical as well as mental education. There can be no question but that close study without labor or vigorous exercise, shortens life. The organization of our institutions of learning, should be such as not to endanger health. This is certainly of the utmost importance. Experience, as well as theory in this Institution, sustains the fact that a certain amount of labor contributes to the health of the student, while at the same time it does not in the least arrest mental progress, but rather promotes it.

"8th. The Agricultural College will exert a direct influence on the education of the young. The departments of science which must here receive especial attention, are precisely those which are now monopolizing the thoughts of the most learned men of the age. There is everywhere, indeed, in this particular line of study, intense activity. Scientific associations are formed, scientific journals published, and the highest interest is manifested in bringing to light those mighty truths of nature which have too long been concealed from our view. Men are giving their lives without hope of pecuniary reward, to the prosecution of these scientific re-

searches. And it is a significant fact that these several branches of science, which necessarily form the principal part of the course of study in an agricultural college, and which must receive a much larger share of attention than can be devoted to them in other institutions, are the very studies which are now profoundly taxing the intellect of the scientific world.

"In this way an Agricultural College naturally and necessarily falls into the spirit of the age, and moves in the same channel of truth. Thus while science, in its rapid development, cannot fail to lend important aid to agriculture, Agricultural Colleges must reciprocate the favor by entering into the work of scientific researches.

"9th. There are moneyed arguments in favor of such an institution. I have before said that the more scientific the farming, the more successful it is; and that it is successful because of its conformity to nature's laws. By giving instruction in genuine scientific agriculture, not the intangible, chimerical theories of the speculatist, but theories dignified into substantial, well-established science, much good must be accomplished in a pecuniary point of view. Is it possible that a man should not be benefitted by an intimate acquaintance with the material on which he bestows his labor? The light that would emanate from this source, being felt all through our State, in its aggregate influence, would add much to the productiveness of our farming capital. Again, by elevating the character of the people of the State, raising the reputation of this commonwealth abroad, it will aid in inviting among us men of intelligence and capital, thus adding to our sources of income far more than the cost of the support of the College. Capital will always center where there exist the most intelligent means for its use.

"10. But all who enter such an Institution may not go forth from the College to labor on the farm, but many of them will engage in other pursuits in life. This may be true, as it is with all our professional schools. But 1st. A vastly

larger proportion will devote themselves to agriculture, than though they pursued their studies in other Institutions; and 2d. Every class of men, of whatever calling, would be benefited by a knowledge of agriculture as a science and art. This is the great and leading interest of the land. All men in this country must, in one way or another, come in contact with this agricultural element. This foundation art, then, in the business world, whose facts are woven through every department of life, and which meet us in almost every transaction, should be studied to some extent by all. Aside from the beneficial effects of this system of study on health, and its favorable influence on habits of industry, the young would acquire a knowledge of the principles and practice of this, the most wide-spread and pervading branch of business of the whole country, and which is intimately connected with our prosperity as a nation. I can see a special advantage accruing to persons in almost every pursuit, from a somewhat minute acquaintance with this subject; an advantage not derived from any other art. But when in later years, men retire from the more stirring scenes of business or public life to the quiet of the farm, as they almost universally seek to do, they find a more direct and practical use for the knowledge they acquired in earlier days. It is well known that the most unprofitable, and often ruinous expenditures of means are seen among that class of men who, without any previous experience, undertake the management of farms at a somewhat advanced age. They discover when it is too late, that agriculture is not so simple an art as they had supposed, and that previous study and practice are absolutely necessary to success."

These views the undersigned believe to be sound and in accordance with the deliberate conviction of a vast majority of the intelligent agriculturists of the State. The Committee of the State Agricultural Society, consisting of Messrs. G. W. Beckwith, of Cassopolis, C. W. Greene, of Farmington, and R. F. Johnstone, of Detroit, appointed to visit and report

on the Agricultural College, in their report made in January, 1868, say:

"We have reason to believe that the same quality of education would not be furnished more cheaply or so successfully at any other institution than it is at this one.

"On this subject we cannot give any positive data at present, for want of time, but it is very certain that should a Department of Agriculture be connected with the University, additional professorships would be needed, and it is considered that the object of establishing a school or college, where labor in connection with study must be a feature, would have to be surrendered, as it is not esteemed feasible that students who labor and those who do not, would harmonize at the same institution, though there would probably be less of that feeling at the Michigan University than at any other in the United States.

"Your committee, without entering into details, therefore, would recommend that, instead of agitating a proposed removal on the ground of economy or efficiency in the educational system of the Agricultural College, that the Board of Agriculture should be strengthened, and not weakened in the efforts they are now making to render the Institution more efficient and useful, and more especially now, when they are a body who, by their cautious and economical administration in the past two years, have gained valuable experience, and are better prepared than at any previous time, to build up and sustain this College in that course of useful instruction, which will undoubtedly eventually repay the citizens of the State for all the direct outlay it may have been at. \* \* \* \*

"The condition of the College itself, financially, and in regard to its property, is far from discouraging. It is generally contended that its location is a grave fault, that almost deprives this generation of the full value of returns from the endowments granted to it. Your committee deem it to be too late in the day to discuss the wisdom of planting such an

Institution in the woods. It is established, and has already sent out roots in many directions, which, if torn up, could not be transplanted to any other location, and the time lost in waiting for the transplanted tree to live, if it did live, would place the period at which this generation would gather fruits from it, farther off than ever."

But in the opinion of the undersigned, a far-seeing policy established it where it is. Here, on the very margin of the cultivated portions of our country, where the "forests primeval" are just vanishing before the encroachments of civilization, the youthful and vigorous State of Michigan, first among her sister States, dedicates this Institution to the instruction of men who are devoted exclusively to the cultivation of the earth. Established on no precedent, it is like a pioneer in the march of men and the march of mind. It is peculiarly fit that such an enterprise should be founded on the confines of the country, which a native poet, Whittier, so gushingly describes:

"The rudiments of empire here,  
Are plastic yet and warm,  
The chaos of a mighty world  
Is rounding into form."

The elements of the Institution are rough and crude, but even in the embryo, we recognize an enlightened forecast, that would do honor to those venerable commonwealths which have stamped their indelible impress on the history of mankind.

After a full discussion of the Report, the following Resolutions were unanimously passed by the Executive Committee of the State Agricultural Society:

"*Resolved*, That the efforts made by the State Board of Agriculture, during the two years it has been organized, to administer economically and usefully, the State Agricultural College, and its revenue, merit our most hearty approbation, and entitle it to the confidence of the Legislature and the people of the State.

*Resolved*, That the proposition to remove the College, at the present time, must be regarded as a hazardous experiment, calculated to injure rather than to benefit the cause of agricultural education.

*Resolved*, That in view of the prosperous condition of the agricultural interests in all parts of the State of Michigan, we recommend that such appropriation as may be needed by the State Board of Agriculture, for the purpose of sustaining the Agricultural College, be granted by the Legislature.

*Resolved*, That it is hereby recommended to the State Board of Agriculture, within a reasonable time, to lay down, fence and put in condition, so much of the land immediately around the College buildings, as would form a moderate sized model or experimental farm, and that we believe the people of the State will sustain the said Board, in the exercise of a judicious liberality in securing the services of competent instructors, in the various departments of instruction; as it is believed that such "judicious liberality" will add materially to the reputation and usefulness of the Institution."

It is sometimes argued that a farm and manual labor are not necessary to an agricultural school. Surely mere science, the theory of agriculture, might be imparted with a few acres for illustration, or perhaps with no land at all; but the school, in order to advance the interests of agriculture, should aim at returning its graduates to their farms, and a life of manual labor. Nearly all who have given attention to the subject, have advised that labor should be an essential feature in an Agricultural College. Dr. Hitchcock, in his report, says: "I take it for granted that such a requisition [labor] would be indispensable in these schools." Governor Andrew, in advising the Legislature of Massachusetts to unite the Congress grant to the Bussey fund, speaking of the conditions of the latter grant, says: "It directs his homestead estate called 'Woodland Hill,' in Roxbury, consisting of over two hundred acres of land, to be retained by the trustees, and

'that they will establish there a course of instruction in practical agriculture, in useful and ornamental gardening, in botany, and in such other branches of natural science as may tend to promote a knowledge of practical agriculture, and the various arts subservient thereto and connected therewith, and cause such courses of lectures to be delivered there, at such seasons of the year and under such regulations as they may think best adapted to promote the ends designed.' "

The Agricultural College of Pennsylvania, in successful operation, requires of all students three hours labor daily. The committee appointed to draw up a plan for the organization of that College, say : "There are many public spirited men who believe that the establishment of such a school, where boys may be educated as farmers, is of more importance than any design which could occupy public attention. It is a fact universally known, that the literary institutions of this country, as at present constituted, educate young men to a total unfitness, not only for the pursuit of a farmer, but as companions for his parents, brothers and sisters, with whom he is expected to spend his life. He is therefore driven from his father's estate, and into a profession for which he has little capacity."

In 1858 a society for the promotion of Agriculture, proposed a prize of \$150 for the best essay on the following topic : "The most useful system of agricultural instruction, by which to acquire a practical agricultural education, such as would fit a young man to commence the business of a farmer, upon the average of farming lands in Massachusetts."

The following are extracts from the prize essay elicited by the society :

"At the outset, however, we are met by the objection that the surest means of causing a young man to quit his paternal acres, and enter into other business, is to give him a superior education. This is not to be regarded as proof that knowledge gives one a distaste for rural occupations, but

rather, that it affords him the capacity to earn a livelihood in an easier and more eligible way."

"In order to train young men to be good and persistent farmers, they must be better qualified to succeed in farming than in any other business."

"In instituting a system of agricultural education, there are five general objects to be regarded:

"1st. The moral training of the youth, to cause them to love their occupation;

"2d. Their physical training, to enable them to endure their labor;

"3rd. Their mechanical practice, to fit them to perform their work;

"4th. Their early practical instruction, to qualify them to understand their business;

"5th. Their instruction in collateral science, to enable them to improve their practice.

"The moral training of the youth, included in the first head, is the most difficult point to be discussed, under the present circumstances, when other employments offer more dazzling temptations, and promise greater rewards than the sober occupations of agriculture. Population has not yet become so dense as to cause a man who owns a farm, to congratulate himself that it is not other property. Indeed, he often feels chagrined, when he considers that the accidental possession of a farm has imposed upon him some necessity to live on it. In too many instances, a farmer with five or six sons, is unable to induce one of them to remain upon the homestead and follow his occupation. All, one by one, as they approach manhood, leave the farm and give their attention to other pursuits. One learns a mechanical art, another studies or learns a profession, and others become tradesmen. Not one can be persuaded to take the farm, though it will be promised to him as his inheritance, if he will but consent to occupy it."

"If all the young men who are destined to be farmers, could



be inspired with an ambition that is based upon the pursuits of agriculture, this ambition alone would cause them to become skillful and intelligent in the practice of their art. It is those who love their occupation, who are the most likely to become well acquainted with it. The means and opportunities for the acquisition of knowledge are so great, that it is more important to increase the desire for any branch of knowledge than the opportunities for gaining it."

"We will now turn our attention to the physical training which is necessary to enable the young men to endure their labor. A boy who is to be a farmer, and who is expected to work with his own hands, must from his earliest years, be trained to robust exercises. He must be educated in such a manner, as not to be incapacitated to endure the toil and hardships of a farmer's life. Without this hardihood his business would be a sore affliction, and not an agreeable and healthful employment. Labor and practice must attend all his steps, and a knowledge of the application of science to agriculture must be imparted to him during those days and hours, when occasion requires a suspension of labor. All the gifts of science which a young man can thus obtain, without a relinquishment of those habits of invigorating exercise, which are needful to insure a capacity for toil, are clear gain to agriculture. For every art, the youth who is to be instructed in it, must be trained in harness, and the knowledge that comes to him while handling the implements of his art, is worth more than the same amount gathered in a library. A slavish continuance of labor ought to be condemned; because every man has a right to the enjoyment of life; but there is always danger, lest during long and frequent relaxations from labor, a young man may lose, both his capacity to endure, and his willingness to follow a toilsome occupation. Such an objection is very generally urged by our farmers against agricultural colleges, which they say, would not only unfit the youth for labor, but would cause them to turn away into other paths."

"But our people obtain their ideas of an agricultural college from the customs of our literary institutions, in which there is no just provision for the physical training of the pupils. In an agricultural school, this would form a very important part of the exercises; and at such an institution, under a good system of regulations and discipline, as at a military school, the boys would be hardened by their labor on the farm connected with the school, while they were pursuing a course of studies."

\* \* \* "The third division of our subject relates to *the early mechanical practice which is required to fit young men to perform their work*. The distinction between *practical knowledge* and *manual skill* or mechanical tact, is not generally understood, but is a very important one. The proprietor of a farm, who should superintend its operations, if he were young and capable, though he never joined in the labor, would soon obtain a practical knowledge of farming. But unless he participated in the labor, he would not learn to hold a plow, to swing a scythe, nor to perform any but the most simple operations of agriculture. He might be thorough in his practical knowledge, a good adviser in regard to times and seasons, sowing, reaping, and all that appertains to a successful practice, still he is not a complete farmer, because he is wanting in mechanical skill and mechanical tact. He cannot, with his own hands, perform the manipulations of the farm.

\* \* \* "Manual skill, like skill in debate, in mathematics, or in any exercise of the wits, can be acquired only by early practice. Some may be disposed to deny that the manipulations of the farm require that long apprenticeship which is usually devoted to learning a mechanical art. This may be true of any particular branch of farm work; but there is a great variety of labor and skill involved in the whole circle of operations. A young man who is strong and capable, may learn in one season to swing a scythe, so as to be reckoned competent to receive ordinary wages; but an ex-

perienced mower would readily perceive his own superiority. If, however, he could perfect himself in one set of manipulations during the first season, he would require a second season to learn another set, and before he was proficient in all departments of skill, he would have served nearly a seven years' apprenticeship.

"It is worthy of remark, that while men in general, see very clearly that they cannot be good practitioners of certain arts, without a long course of study and experience, they believe that there are other arts which they would not be obliged to learn, but may, if they please, 'take up' at any time. One of the occupations which they suppose they can 'take up,' thus suddenly, and without preparation, is farming." A science or art requires experience in exact proportion to the uncertainty that exists in the application of its rules and principles; yet this very uncertainty renders the ignorant more bold in assuming the practice of such an art. Hence, the multitude of quacks who invade the ranks of medicine and agriculture. A complete farmer will be found, therefore, only among those who were brought up to the business of farming. All others must be awkward in the performance of their labor, unskillful in their manipulations, imperfect in their practical knowledge, and, if they carry on a farm, can be successful only by using the advice and experience of their hired men. The operations of ploughing and scattering seed, of mowing, reaping, gathering and stacking the different crops; the rearing of animals and the management of cattle, both when employed in labor and when in the stall; the modes of executing the different tasks connected with their training, and the adjustment of their harness and their burdens; the care of fences and buildings, and the preparation and equipment of agricultural implements, constitute a variety of performances, and require a manifold exercise of mechanical skill, which can be acquired only by many years of early practice."

The above extracts are introduced into our report in order

to show the importance which is attached to a system of daily labor as an essential feature of a College for the education of farmers. This labor system finds no place in any of the plans for the removal of the College, which have come to our notice. Is it wise to abandon a system recommended by nearly all, if not all, who have examined the subject of agricultural education, which is considered on every hand so essential to the retaining of graduates in the business of farming, and which is in successful operation in several Colleges already established, in order to try a new experiment on a plan everywhere condemned?

In regard to the last question, which plan will be the cheapest? Your committee are convinced, that to sustain the Institution in its present situation, will cost less, while it will accomplish more, than by connecting it with the University.

The growth of all educational institutions is necessarily slow. Years are required to secure the development of all great Colleges.

Such has been the history of the University itself. For the first ten years of its existence, from 1843 to 1852 inclusive, the average number of students was only 59 and a fraction.

The average attendance at the Agricultural College, since its organization, has been much more, having been about 72.

Your committee would say nothing to impair the confidence of the people in the University. It is one of the noblest Institutions of the land; but it should not be allowed to absorb the other established educational institutions of the State, and it cannot be sound policy on the part of that Institution to attempt this, or of the State at large to suffer it to be done.

The Agricultural College is now in a condition, with the munificent Congressional endowment, so wisely set apart for its support, to become, at no distant day, not only a self-sustaining Institution, but one of the most beneficial Institutions of the State. Of it, the agriculturists and legislators of Michigan may well be proud, and the honor and interests of the State demand that they should cherish and sustain it.

The buildings have cost and are now worth, for the purposes intended in their construction, about fifty or sixty thousand dollars.

The farm in immediate connection with the College, contains 676 acres, 250 of which are under cultivation. It has but just been brought into a productive state. Its value, aside from the buildings, cannot be placed at less than \$27,000, while the College remains as it now is. In addition to this, the wise action of former legislators gave to the College some 6,000 acres of swamp lands, adjoining and in the vicinity of the farm. These lands are believed to be worth, the College remaining where it is, at least \$30,000, and with the policy adopted by the Board of Agriculture, will rapidly increase in value.

The Congressional grant is 240,000 acres. If the average value be placed at \$1 25 per acre, which we believe to be low, it gives \$300,000. The endowment, therefore, aside from the farm, which must bring in a large income, cannot be placed at a less sum than \$330,000. At 7 per cent interest, this will give an annual income of \$23,100, a sum ample for the great end intended.

Here the undersigned would also observe that in making this grant, Congress undoubtedly had in mind the endowment of independent Agricultural Colleges; the very terms of the grant preclude the idea of professorships or departments in other Colleges. The grant runs:

"Sec. 4. *And be it further enacted*, That all moneys derived from the sale of the lands aforesaid, by the States to which the lands are apportioned, and from the sales of land script, hereinbefore provided for, shall be invested in stocks of the United States, or of the State, or some other safe stocks, yielding not less than five per centum upon the par value of said stocks; and that the moneys so invested, shall constitute a perpetual fund, the capital of which shall remain forever undiminished, (except so far as may be provided in section

fifth, of this act,) and the interest of which shall be inviolably appropriated by each State which may take and claim the benefit of this act, to the endowment, support and maintenance of at least one College, where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the Legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life."

Whatever the arguments used to procure the removal of the College, and the establishment of an agricultural department at Ann Arbor, should such removal be made, your committee are convinced that on the one hand great losses must come to the State, and on the other hand greatly increased expenditures must be incurred.

In the first place, in case of removal, much must be lost of what we now have.

The College farm and all of the swamp lands adjoining must become, by the removal, of greatly diminished value. The amount of the depreciation cannot fall short of many thousands of dollars.

The buildings can be of little value for any purposes other than as a College; they will be nearly a total loss.

In case of removal to Ann Arbor we should have to again make heavy expenditures in order to secure there what we already have here. We should have to acquire a farm and erect suitable buildings. This must be manifest to all, as there are no extra buildings connected with the University that can be used for the purpose. At least \$100,000 would be required to start the department, so far as farm and buildings are alone concerned. It must be an unwise policy that counsels a course that inevitably leads to such loss, and necessitates such expenditures at this time.

Again, the expense of instruction at Ann Arbor cannot

be less than in the College as it is. It will require just the same course of instruction, as many additional classes as there are in the College, and as many additional instructors or professors. Any curtailment here must be at the expense of the thoroughness of the instruction rendered. At the Agricultural College the classes who receive in-door instruction in Botany and Horticulture one-half day, are with the Professor in the field for three hours another portion of the day, and this instruction continues daily through the year. At the University Botany is taught by a Professor who adds Geology and Zoology to his department, and gives instruction in Botany but a portion of the year. So of other branches of the course of study. Indeed, Dr. Hitchcock, in the report already referred to, says a department in a College is insufficient, because "such professorships, unless numerous, would be entirely insufficient to accomplish the objects desired." This language indicates a fear lest a false economy should defeat the object in view. Such a fear of absorption is expressed in the resolution of the Committee of the Maine Board of Agriculture. To the same purport is the following from the address of Professor Fisk, before the Legislature:

"Those who have imagined that a chair of agriculture, simply in our ordinary Colleges, is all that is required, have formed very inadequate views of the wants to be provided for.

"In the first place, there is scarcely a professorship that is essential in a separate Agricultural College but that would have to be organized in addition to the regular force, if it were but a department. I need scarcely remind you that the branches which constitute the principal part of the course of study in an Agricultural School are precisely those to which ordinarily the least attention is given in College. For illustration: Usually but few lectures are given in Zoology. In an Agricultural College, the importance of the subject requires that Zoology and Animal Physiology should employ

the whole time of one man. Ordinarily, also, but a few weeks are devoted to the study of Botany and Vegetable Physiology. In an Agricultural College the extent of scientific and professional instruction demanded in this department, renders a separate chair of Botany and Vegetable Physiology indispensable. In Colleges of 'Arts, Sciences, and Literature,' the Chemical department generally embraces simply Elementary Chemistry. In an Agricultural College, the applications of Chemistry to agriculture must constitute the principal part of a professorship. Geology and Mineralogy usually receive but little attention in College; and Meteorology none at all. The intimate relations of these sciences to agriculture, afford scope and labor enough to employ the whole time of one man. In Mathematics the subject of Rural Engineering is supplementary to the instruction given, and necessarily increases the expense. It was well said by Gov. Blair, in his inaugural message, that the Agricultural College 'should teach far more thoroughly and extensively the sciences that relate to agriculture than any ordinary College.' In addition to all of this, aside from the Mechanic Arts, the general subject of practical agriculture opens up a wide field of instruction which must also be provided for.

"Thus, if the object be to teach scientific agriculture, an extensive acquaintance must be secured with those sciences which explain the philosophy of agriculture. A Chair of Agriculture, then, without the means of acquiring a thorough knowledge of those sciences which lie at the foundation of this art, every one will readily see, could not accomplish the object sought. Therefore, to cover the additional instruction demanded in our Colleges and Universities, should an agricultural department be attached, the Faculty must be increased by at least four or five Professors. An entirely new course of study must be established, differing almost as much from the general course as that of law or medicine does from the arts and sciences.



"Passing from the cost of instruction to the facilities required, and what do we find? Whether the Agricultural College be a separate institution or simply a department, in both cases there must be a practical farm to illustrate the instructions of the lecture room. In both cases must there be an experimental farm to improve the science of agriculture. In both cases must all the stock and implements for working the same be provided. In both cases must there be a Botanical Garden, and seed room. In both cases must there be a Kitchen Garden, for instruction in this department of husbandry. In both cases must there be a Veterinary Hospital. In both cases must there be collections in Botany and Zoology, with special reference to the application of these sciences to practical agriculture. In both cases should there be an Agricultural Library, differing essentially from the libraries usually attached to colleges. Indeed, agriculture being a specialty, its facilities and appliances must also be specialties."

In regard to economy, therefore, the removal of the College to Ann Arbor presents only these two aspects, either to call on the treasury for expenditures, such as have been already incurred at the Agricultural College, or to abandon the full course of instruction and illustration there given. The University has no means of its own to spare. It could not even, under the pressing necessity of the times, spare means for a military professorship. In their last report, the Board of Regents, after speaking of the "strict economy which a pressing necessity for all the funds legitimately belonging to the University has always imposed," and after mentioning many wants for which the University has no means, proceeds to say: "Another pressing want of the University, which has been heretofore referred to by our Board, is a suitable College Chapel, for the erection of which we can only look to the State or the General Government to supply the necessary funds. Our Military Chair is still vacant, nor will the state of our annual income admit of any attempt to

materially increase our corps of professors, and while we can only report our willingness to perfect the arrangement, if it is thought desirable, we must look to the State to make the necessary provision for the increased expenses of founding, in connection with our scientific department, a free Military School."

Nor can the citizens of Ann Arbor very well supply the want. It is said the amount they have paid towards the erection of the Law School building falls short of their subscription to the amount of some five thousand dollars. The economy of removal seems to be no less than the abandonment of what is peculiar to the discipline and course of study of an Agricultural School, the sinking of the College into class instruction, under Professors already sufficiently taxed with labor, and the ignoring of the fair interpretation of the grant of Congress.

The examination which the undersigned have given to the Agricultural College, has convinced us that misapprehension exists as to the current expenditures of the College. The impression prevails that it uses annually a very large amount of money, without rendering corresponding advantages to the State, especially in the way of experiments and original investigations in the Science of Agriculture. The fact is, however, that its expenditures, from year to year, have been only sufficient to provide proper facilities for the education of its students, and to make gradual improvements in land and buildings, with a view to a higher excellence in the outdoor discipline in future.

The appropriation for 1857 and 1858, was.....	\$40,000 00
“ “ “ 1859 and 1860, was.....	37,500 00
“ “ “ 1861 and 1862, was.....	16,500 00
Total,.....	\$94,500 00

This is the entire cost of the Institution to the State; for the first appropriation of \$56,320 was from the sale of salt spring land, which cost the State nothing. The total above given

exceeds the amount actually expended by the College since it was opened to students, by the sum of \$13,472 73, which should be added to the \$56,320, making \$69,793 73 as the first cost of the Institution, prior to its opening. The farm cost over \$10,000. The buildings were, unfortunately, not well made at first, but two large College buildings, a brick barn, four tasteful brick dwellings, a chemical laboratory, costing, it is said, some \$3,000, the first furnishing of farm with stock and tools, and other expenditures incident to a new enterprise in a place removed from ordinary markets and channels of trade, and in a season of great financial embarrassments throughout the country, all these do not afford, out of a sum of \$59,793 73, an unexampled margin for waste and extravagance. For the last four years, the average annual expenditure has been \$10,131 82. The current expenses of each of the last two years, have been about \$10,000, a sum greater than the appropriation made in 1861, which was made in view of an unexpended balance in the treasury of the College.

In regard to the number of students, it must be borne in mind, that it is only two years since the course of study was extended from two years, to the four years required by the present law of reorganization. This radical change, from a purely technical to a more mixed course, was preceded the year previous by one as sweeping in its character. Under these circumstances it is natural to look for fewness of numbers in the higher classes, and the graduates of the College. At first, also, the rate of wages paid students per hour was often as high as ten cents—the maximum wages is now eight cents; the first course of study was less professional by far than the present. All these circumstances would account for the fact, that at one or two terms of the College, the number of students was greater than during the last two years. On the other hand, the number in attendance during each of the last two years, much exceeded those who were present after the first radical change in the course of instruction; but, after all, so far as numbers in attendance is concerned, the enterprise is rather successful than otherwise.

The Agricultural College of Pennsylvania—a State of nearly four times the population of Michigan—has been in

operation four years, on a uniform system of discipline and instruction, and 119 students are reported as the greatest number in attendance in any one year. Yet this is called a school in successful operation by themselves, by the Governor of Massachusetts, by the Secretary of the Board of Agriculture in Maine, and by the agricultural press generally. According to the tables presented in the American Almanac for 1857, of the 121 Colleges in the United States, but 14 had over 200 students in attendance; 9 had between 200 and 150 in attendance; 31 had between 150 and 100 in attendance; 18 had between 100 and 75 in attendance, and 49 had less than 75 in attendance.

But few of the youth of any State advance to the higher grades of educational institutions, as the figures just given show; and this might have been especially anticipated of the farming community. Unlike men in the learned professions, they proceed surely to wealth, without any training in the schools. An Agricultural College is a new thing, and must win its way to their confidence gradually. It was for the general advancement of this class, that observing farmers and the State Agricultural Society, and an enlightened Legislature, united in the founding of the Agricultural College. It has been, by an act of re-organization, passed by the last Legislature, placed in charge of a State Board of Agriculture. This is the sole Institution in their care, and they feel a pride in its proper development and usefulness. They have managed the last appropriation with economy and judgment.

The sum asked for each of the coming two years is \$10,000, and is the least the State can afford to give, because it is the least that will afford creditable facilities of instruction to those who resort to it. It is the least that will enable the Institution to do honor to the State, that was the first in the United States to establish such a College, a College whose general plan has been imitated by other Legislatures and corporate bodies, and which is still looked to to lead the way in the enterprise.

The undersigned are therefore of opinion that the Agricultural College should be left to the management of the State Board of Agriculture, and generously sustained by the Legislature of the State.

All of which is respectfully submitted.

W. H. HAZE,

*Ch'n Com. on Education.*

RICHARD J. CREGO,

*Ch'n Com. on Agriculture.*

GEORGE LUTHER,

JAMES DOCKERAY.

**[ No. 20. ]**

**REPORT of the Committee on Geological Survey, in regard to the survey of portions of the State, and the collection, management, and preservation of Geological Specimens.**

The committee on geological survey, to whom was referred

A bill to provide for a special geological survey of portions of the State, and the collection, arrangement and preservation of geological specimens,

Would beg leave to report that they find a strong desire, on the part of our citizens, for such an undertaking, and that great benefit would result from a liberal appropriation, for the purpose of taking up and vigorously prosecuting the geological survey of our State.

In times like these, every one feels the importance of economizing our resources, and while we are devoting our energies in aid of the government in the present crisis, we feel that we should guard against all attempts to deplete our treasury by injudicious appropriations, so much being required to meet the extraordinary demands made upon it at the present time; and after mature deliberation, your committee are led to believe

that on the principle of the strictest and most exacting economy on our part, that a liberal appropriation for that purpose would be most judiciously applied; and we believe, that as the legitimate fruits of such an appropriation, the treasury of the State would, in a very short time, be reimbursed many fold for the expenditure made.

Your committee believe we have within our borders, a vast amount of mineral wealth, second to that of no State in the Union. To some extent this has been explored and developed, owing to the wise policy adopted by the State many years since, and, as the legitimate results of which, the vast wealth of the Upper Peninsula, in iron and copper, became known, and millions of capital from abroad was transferred to that region, to be employed in unfolding those sources of wealth which are now so largely contributing to the material wealth and revenue of the State. Since Michigan became a State, millions have been expended for iron, copper, coal, salt, gypsum, &c., from other States, while we have inexhaustible stores of all these within our own borders. What great advantages would have resulted to us had these great sources of wealth been fully developed at an earlier period, and the capital thus sent abroad to enrich other States, been retained among ourselves? We have untold mineral wealth of various kinds beneath our feet, throughout almost every portion of our State. The iron and copper regions of the north are, as yet, but partially explored, and from reliable information which we have received, we learn that on many of the swamp lands of those regions, now held by the State, that indications of valuable iron and copper mines exist, and, without doubt, the State is possessed of such lands in that district, of great value; but the exact location of these can only be ascertained by a thorough geological exploration of that region, and, without doubt, the benefit which would, directly result to the State would be very great, but without such survey the State would derive but little benefit from them, and part with them for but a fraction of their value. From this source alone, many times the cost of the survey, no doubt,

would accrue to the treasury. In addition to these, indications of rich deposits of the ores of silver, abound, which a thorough survey would make known. Roofing slates, of a valuable character, quarries of marble, of granite, of syenite and talcose beds, are to be pointed out, and their situation made known; that capital may be invited thither for investment, from which the State will speedily derive a revenue.

In addition to the above, silver has been found in quantities sufficient, and in situations to lead to the hope that important discoveries of this precious ore may be made. Manganese, plumbago, cobalt, lead, and even gold in small quantity, has been found, and no doubt valuable deposits of these will be brought to light, as well as valuable beds of novaculite, a most valuable material for hones, &c., &c. At the present time a large amount of capital in other States is seeking for favorable opportunities for investment, and if we but point out to them these sources of wealth, their treasure is ready and anxiously waiting to be poured into our lap.

On the Lower Peninsula, also, much remains to be accomplished. Over many thousand square miles of the interior, coal exists, and at some points, of a very valuable character; and many places where it is but little suspected by the inhabitants, will be found to be underlayed by this invaluable article, for which we are now paying large amounts abroad.

Your committee find that beyond the borders of the coal field, and embracing a much larger area, lie a group of rocks, in which our deposits of gypsum are situated; this being one of the great fertilizers of the soil, is required almost everywhere, and of which we have supplies sufficient not only for our own wants, but to furnish great quantities for exportation abroad. There is also good reason to believe that excellent material for hydraulic cement will be found with us, an article which we now derive entirely from other States, and of which we annually consume a large amount. Certain grit-stones for mechanical purposes, which we now receive entirely from abroad, we have good authority for believing exist with us, equal to any received

from any other States, and the localities of which, only need to be pointed out, to invite the investment of capital. Flagging and building stone equal to the best we receive from abroad, also exists, and thousands of dollars, we are informed, is waiting for investment in this business, as soon as these locations can be pointed out, and intelligent direction guide the expenditures. Still beyond the border of the belt occupied by the outcropping rocks in which the deposits of gypsum are found, lie those sandstones, which are the depositories of the brines of the Michigan salt group, extending nearly across the State in an east and west direction, and of an equal or greater extent from its northern to its southern boundary. The practical information regarding the deposit of salt within this basin, and which has already yielded such magnificent results, was solely and purely the result of geological investigations. Hundreds of thousands of dollars from other States has already been invested in the business which has sprung from this; and from this alone, in a very short time, the State will derive a revenue repaying it many fold for every dollar that has been expended in all its geological surveys; and indeed we learn that in two counties of this State, where at present the works are most numerous, many hundreds of thousands of dollars have already been expended within the last few months; and mostly capital from abroad, from which a revenue of many thousands will be derived the coming year.

The extent of the productive portions of this basin should be ascertained, that intelligence may direct the investment of capital, and indicate the points most favorable for such enterprises; and also to advise where such efforts would not be likely to meet with success.

A large portion of the Lower Peninsula is covered with a heavy deposit of drifted material, hiding the rocks, in a great measure, and consequently the mineral wealth contained in them, from view. A thorough knowledge of the character of these rocks, and their wealth of coal, salt, gypsum, &c., can only be obtained, in many places, by boring in the earth, and



bringing specimens to the surface. Were the State to perform this work, simply for the purpose of obtaining this information, the expense would be enormous; but at the present time, numerous wells are being bored, in various portions of our State, costing several thousand dollars each, but the information to be derived from them can, while the work is in progress, be obtained merely for the expense of collecting it; and thus every section of the country, where these works are being conducted, would obtain most valuable information in regard to the mineral wealth beneath them. Perhaps, soon, in many localities, the opportunity for obtaining this information will be past, and then no amount of money the State will ever feel authorized to appropriate, would obtain the same information.

Suits of specimens from every well bored, as far as they can be obtained, should be preserved, from every stratum passed through in boring the wells; also, diagrams, illustrating the same, should be prepared, and these deposited with the State, for reference. The knowledge thus obtained, and also from the surface explorations, and the examinations of the outcropping rocks, where they exhibit themselves, and comparison of these with the records of the borings, would give us a mass of information of incalculable value to the State—information practical, and which would tend largely to replenish the Treasury. Below the Michigan salt group, and at its outcrop, bordering those last named, lie a series of rocks, which, in other portions of the country, have furnished the supply of the petroleum which has quite recently become an article of great commercial importance; and there are strong probabilities that these same deposits may be found in the same highly bituminous rocks, of the Lower Peninsula.

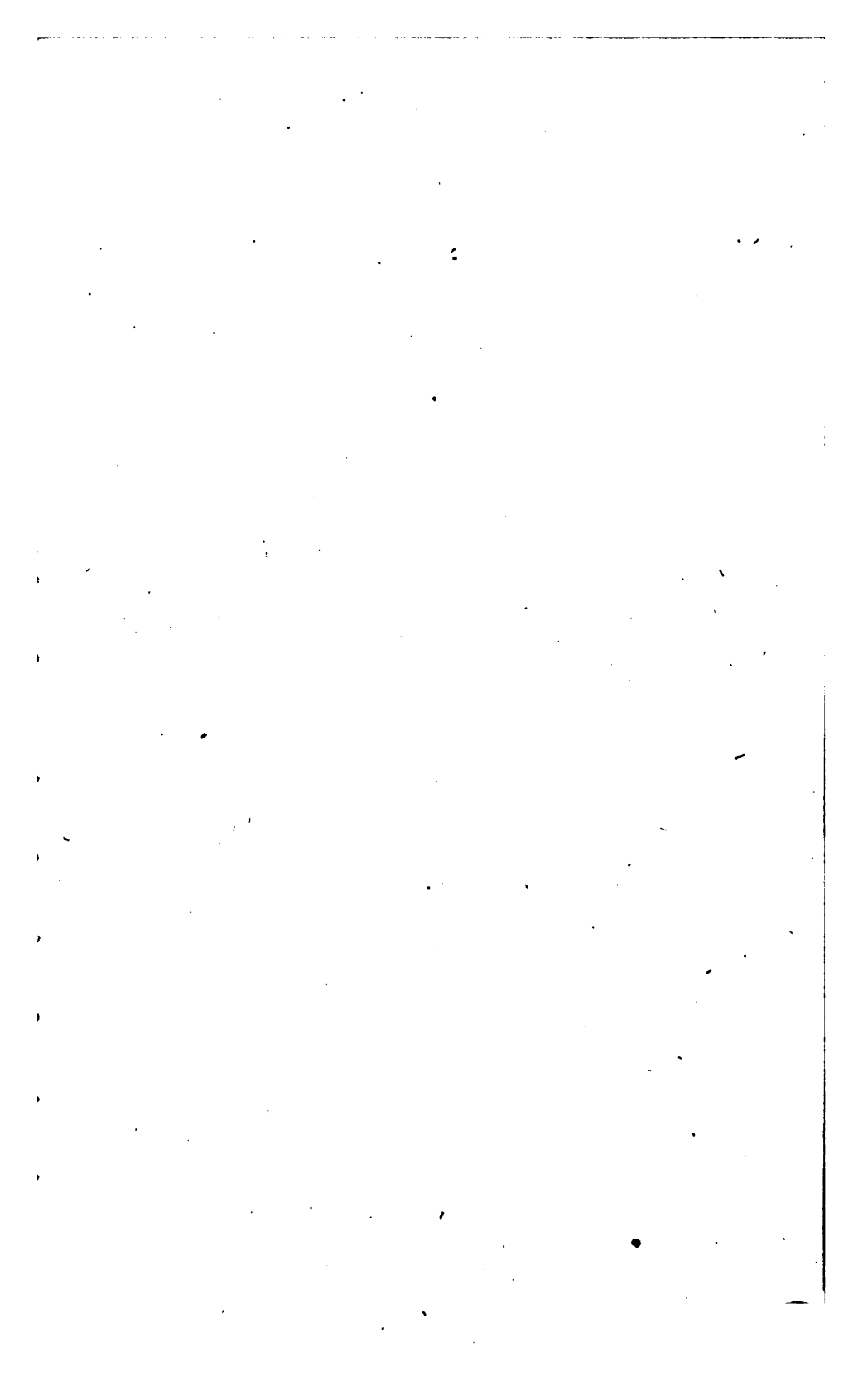
Again: still below and beyond the rocks last named, and including a much larger area—in fact, underlying almost every portion of the Lower Peninsula—we find a continuation of the rock which constitutes the Onondaga salt group, of New York. Every one is aware that brines, of great value, and which have been a source of great wealth to the inhabitants of that State,

exist in this formation. In this State, also, the same rocks are known to be saliferous. Salt springs issue from these rocks, at various points throughout the borders of our State, and there are favorable indications of the existence of valuable brines, in these rocks.

At the present time, however, the investigations in that direction have not been carried sufficiently far as to obtain the necessary information to establish the fact of their productiveness, but so far as the work has been prosecuted, it has been attended with much encouragement. In the vicinity of these latter, also, we may be encouraged to look for deposits of gypsum; and, indeed, on the borders of these rocks, at two different points, gypsum has been found.

Great interest is felt at the present time in this undertaking, and your committee fully believe that no measure the State could adopt would be so favorably received by the people, and from which such beneficial results would immediately flow, and the people and their treasury be so much benefitted. The committee have directed me to report the bill back to the House, without amendment, and recommend that it do pass, and ask to be discharged from the further consideration of the subject.

B. M. WILLIAMS, *Chairman.*





[ No. 21. ]

REPORT of the Committee on Banks and Incorporations, relative to making appropriations in aid of the State Agricultural College, and the Michigan School of Homeopathy and Surgery.

The committee on banks and incorporations, to whom was referred

A bill making appropriations in aid of the State Agricultural College, and the Michigan School of Homeopathy and Surgery,

Have had the same under consideration, and ordered their chairman to report thereon.

By act of Congress, approved January 25, 1838, a large amount of land was granted to this State for the University, and the purpose of the grant expressed in these words: "to be appropriated solely *for the use and support* of such University, in such manner as the *Legislature may prescribe*."

In anticipation of the funds to arise from sales of these lands, and on the pledge of the same in payment of principal and interest therefor, the Legislature, by an act approved April 6, 1838, loaned to the University, the bonds of the

State to the amount of \$100,000, to enable it to erect buildings, and procure other necessities contemplated in the grant, by the terms "for the use and support of such University."

By a subsequent act of the Legislature, it was provided that certain State scrip, or warrants, might be taken in payment for University lands sold, and the amount of such scrip credited to the University fund to cancel so much of the \$100,000 debt.

These amounts were credited to the University, from time to time, as they were paid in, and interest at 7 per cent. paid on them to the Regents, after deducting the interest on the \$100,000 loan.

But the principal of the \$10,000 loan was never charged to the University; hence, the full amount of all funds received for University lands sold, whether in cash or scrip, now stands to the credit of the the University, and 7 per interest is annually paid thereon by the State; the State having also taken up the \$100,000 bonds, by money drawn from the general fund, or issued new bonds for them.

As long as the Treasurer was allowed to deduct from the University interest fund the interest due on the bonds, and only credited to the University the surplus, the Institution was not a burthen to the State.

But by an act of the Legislature, approved Feb. 12, 1853, the State Treasurer was directed to credit to the University the *entire* amount of interest arising from the sales of University lands, so that nothing was left in his hands with which to pay the interest or principal on the bonds, consequently these had to be paid out of the general fund.

By subsequent acts of the Legislature, to-wit: acts of February 10, 1855, February 5, 1857, and February 12, 1859, the same direction was given to the State Treasurer, and thus for the last ten years, instead of deducting the \$100,000 from the University fund and paying interest to the Institution on the amount properly due, we have paid on the entire sum; no charge ever having been made for the loan, though not a

dollar of it has ever been paid, making in fact, as is acknowledged by the Regents' report for 1857, an annual donation of \$7,000 to that Institution directly from the Treasury, for the last ten years, amounting in the aggregate, with annual interest, to the sum of over \$96,000 00.

Now, since the University has had the \$100,000 for the last ten years without interest, an amount in the aggregate, of principal and interest, if computed annually, equal to over \$196,000, and has completed substantial, extensive and commodious buildings for all its departments and professors, and has accumulated extensive apparatus and library, being 6,000 volumes in 1855, to which has since been added over \$12,000 worth, and has an income from its own resources, as appears by the last report, of about \$56,000, which is constantly increasing, your committee are of opinion that it is not necessary for the welfare and support of that Institution that the State should any longer donate to it the annual sum of \$7,000 as heretofore, and being of the opinion that by a degree of economy far less rigid than that required of the other colleges and public institutions of the State, the University can so far reduce some of its ordinary and extraordinary expenses as not to be in the least embarrassed, in any of the essential features of its usefulness, by paying out of its ample funds the \$7,000 annually, as the bill now in question provides.

While the amount thus to be paid by the University will, in our opinion, not necessarily embarrass that Institution, now grown to a giant stature, the infant *Agricultural College* just struggling into life, against meddlesome nurses trying to strangle it, will be much nourished and revived by even the small sum proposed to be applied to its aid by this bill.

By an act approved February 12, 1855, the Legislature provided "that there shall *always* be at least one Professor of Homeopathy in the Department of Medicine," in the University.

Though the Regents have been requested and urged by a large number of the most respectable of our citizens, to establish a Professorship, in obedience to said provision, they have persistently refused to do so, claiming to have powers vested in their body, by the Constitution, paramount to those of the Legislature, in relation to the use of the University interest fund, notwithstanding the act of Congress granting the lands, expressly declares it to be "appropriated in such a manner as the *Legislature* may prescribe."

Your committee does not deem it essential in this report, to express their views in relation to the legality, or propriety of the action of the Regents in relation to this subject, but inasmuch as there are in this State, as we are informed and believe, nearly, if not over 300 practitioners of the Homeopathic School, besides a large number of students who have left the State to attend colleges elsewhere, for want of one at home; and knowing that these physicians, in point of intelligence and moral, worth will compare favorably with any other class of professional men, and knowing, also, that the 200,000 to 300,000 of our fellow citizens who believe in and patronize the Homeopathic practice are from among the most intelligent and respectable property holders of the State, we deem it but just and proper that a part of the amount provided in this bill, should be devoted to instruction in that science.

The University having refused to establish and maintain a Professorship of that School, in defiance to the mandates of the Legislature, on the grounds that the "University Interest Fund," was not subject to the control of legislative action, cannot, certainly, complain of the application to that purpose, of the *funds due the State*, that never formed any part of said fund, especially as it is to be for Professorships not in contact with their own.

In accordance with the principles of economy which should characterize the conduct of all our public institutions, this bill provides that one of the Professors shall perform his ser-



vices in both schools, and no part of this fund is to be used for the purchase of grounds, or the erection of buildings, these all being furnished free of expense to the State.

By the first section of this bill, the act obliging the State Treasurer to pay over the full amount of the Interest Fund, to the University, is repealed, thus suspending the annual donation of \$7,000 interest heretofore made; and the second section provides for the Treasurer returning the amount of interest due on the debt to the State, and for its application to the purposes contemplated in the bill.

Should this bill become a law and the new school be established in Lansing, without which no funds would be applied to it, there is no doubt but that several of its Professors may become Professors in both, and be retained for the Agricultural College during the spring and summer months and early fall, for a much less salary than they can be procured for where no other salary is paid, thus saving several thousand dollars annually of the expenses in the Agricultural College.

In view of all these considerations, we report the bill back, without amendment, and recommend that it do pass, and ask to be discharged from the further consideration of the subject.

JAS. A. SWEEZEY, *Chairman.*







[ No. 22. ]

**REPORT** of the Committee on Elections, relative to a certain bill pending before the Legislature, to enable the qualified electors of this State, in the military service, to vote at certain elections, and to amend sections forty-five and sixty-one, of chapter six, of the compiled laws.

The committee on elections, to whom was referred

A bill to enable the qualified electors of this State, in the military service, to vote at certain elections, and to amend sections 45 and 61, of chapter 6, of the compiled laws,

Have had the same under consideration, and would respectfully report that the first question which presents itself to your committee, upon the consideration of this bill, is whether a law embracing the provisions of such bill, would conflict with the constitution of this State.

Section 1, of article 7, of the constitution, declares that "no citizen or inhabitant shall be an elector, or entitled to vote at any election, unless he has resided in this State three months, and in the *township or ward in which he offers to vote*, ten days next preceding such election."

Your committee are unanimously of the opinion that said

clause of section 1, requires that the person offering to vote shall do so in the township or ward in which he resides, and prohibits him from voting in any other township, ward or place.

That section 5 of the same article of the constitution which declares that "no elector shall be deemed to have gained or lost a residence, by reason of his being employed in the service of the United States or of this State, nor while a student of any seminary of learning," &c., was neither intended to, nor does it, in the opinion of your committee, give to such person so engaged in the service of the United States, or attending a seminary of learning, the right to vote in any other place than that in which he is a resident. That the object intended by said section 5, was that the individual, while absent from his place of residence, on the several grounds therein specified, however long such absence might be protracted, should still, during such absence, be deemed a resident of the place from which he had originally departed, and should be entitled to vote thereat, notwithstanding the prohibitions mentioned in section 1 of said article, upon his return thereto, though he should not return till the very day of election.

If the Legislature can give the right to the qualified electors of this State, engaged in the military service, to vote wherever they may happen to be on the day of election, whether in or out of the State, they could equally give the right to all the qualified electors attending the University at Ann Arbor, from whatever section of the State they may have gone, of voting at Ann Arbor. This, it is very clear, it could not do consistently with the provisions of the constitution above cited, as section 5 declares that no elector shall be deemed to have gained a residence while a student of any seminary of learning, and section 1 above cited, expressly prohibits any person from voting at any election, unless he has resided in the township or ward in which he offers to vote, ten days next preceding such election. The same rule applies to those engaged in the military service. They can gain no residence by reason of being

employed in the service of the United States, and they can vote *only in the township or ward in which they reside.*

To have intended the provisions of said section 5 as authorizing the several classes of persons therein named to vote wherever they might happen to be on election day, would be putting it in the power, frequently, of persons having no interest in the local affairs or officers of the town or ward where they were temporarily stopping, of controlling the elections of such town or ward, and overruling the wishes of the permanent residents. The framers of the constitution can, with little reason, be charged with intending to adopt a provision, the direct tendency of which would lead to such injurious results.

Your committee are further unanimously of the opinion, that the passage of this bill, if it could consistently be done, would be unwise, and its objects could only partially be realized, or its provisions but partially carried into effect.

The constitution and laws of this State are limited in their operation and force to the State. We can pass no election or other laws that will be of any binding authority outside of the State, or over the soldiers, officers or armies of the United States. There is no power in Michigan that can authorize the opening of election polls in any regiment, battalion, battery or company of Michigan soldiers, while in the service of the General Government, outside of the State. It is perfectly manifest that if we were to pass this bill and attempt to carry into effect the objects intended by it, that we should have to depend for its accomplishment upon the will of the commander of each post, where might happen to be stationed a company of Michigan soldiers on the day of election; and when we consider the numerous points in all sections of the wide extended range of this great rebellion where are to be found bodies of Michigan troops, the diversities, both in character and politics, of the officers in command of those soldiers, rendering it very doubtful whether their assent could, in but a portion of the cases, be obtained to the holding of such elections; and the variety of duties in which the numerous regiments or detachments of Michigan

soldiers are almost sure to be engaged on any given day, making it impossible to hold any election in very many of them upon the day of our general election, without detriment to the service in which at the time, they are engaged, it must satisfy every one that but a partial vote of the electors of this State so engaged in the military service, could be obtained.

That while one regiment or company would have the opportunity of availing itself of the privilege of voting intended by this bill, another regiment or company, equally entitled to such privilege, and perhaps principally composed of men of opposite politics from the large majority of those constituting the regiment or company so voting, would not be allowed to vote, by reason of the important or critical nature of the duties in which, on the day of election, they would be engaged. Unless all could avail themselves of the privileges of such a law, it would seem more just that the privilege should not be extended to any.

Another objection to this bill, is the opportunity it affords, without power of redress, for illegal voting. It may be fairly estimated, that at least one-third of the soldiers who have enlisted from Michigan, and who are now in the military service of the United States, are not qualified electors, but either minors or aliens, who have not taken the preliminary steps necessary to entitle them to vote in this State. When the polls are opened in the regiments and companies, as provided by this bill, what power or authority is there to prevent these persons who are not qualified voters, from coming forward and offering to vote, and if objected to, from swearing their votes in? The laws and authorities of this State, are impotent to prevent them, or to punish them for it. Those men are neither within the jurisdiction of Michigan courts or laws, nor in her service, and Michigan can neither impose the penalties for illegal voting, nor punish them for perjury in falsely swearing in their votes, neither at the time, nor when they shall have returned to this State. The person so offending, being at the time neither within the jurisdiction of this State, nor in its service, could commit



no crime against the State. There being no power to enforce the election laws, the ballot boxes might be stuffed or destroyed by a disorderly rabble, either of soldiers or of people, in the town through which the commissioner would have to pass on his return to this State, without any greater penalty being incurred than that for breach of the peace.

Can there be any wrong to the soldier in not extending to him the opportunity of voting, while so engaged in the military service beyond the State? How few of the electors within the State are acquainted with the candidates for most of the offices, for which the soldiers by this bill are to be allowed to vote, at the time of their nominations, or with their character or fitness for their respective offices for which they are nominated? It is only after their nomination that the mass of electors in the district are made acquainted with the qualifications of the candidates. If the electors within the district are, in the great majority of cases, incompetent to judge of the qualifications of the respective candidates, at the time of their nomination, how can we expect that the soldiers in active service, in sections of the country a thousand miles remote from such district, will be competent judges of the character or fitness of such candidates, or able to cast an intelligent vote? If the soldier is desirous to vote for the candidate only of a particular party, without any regard to the fitness or character of such candidates, he will be unable to do so of his own knowledge in most cases, but will have to take the word of some other person, who, if interested in the result, might not scruple to deceive him. A large portion of the candidates at each election, are new men, politically, and previously unknown to the general public.

The soldier has no reliable means of becoming acquainted either with their character, politics, or qualifications for the respective offices for which they are running. Is it, therefore, depriving the soldier of any privilege, by refusing to extend to him, under such circumstances, the right of voting? Is the right to vote for a candidate, of whom we know nothing, a

privilege? It is believed that with the vast majority of the men in the army, there is no desire to vote for the great proportion of any of the candidates which this bill would present before them. Their minds should be, and it is believed are in most cases, intent upon matters of a very different character from that of filling the many local civil offices at home.

As it would be extending to those electors no valuable privilege, neither would it operate, if the statements above set forth are in the main correct, as a benefit to the country; but might, without any such intention on the part of the electors in the army, work great injury to the country, by placing in positions of trust, unworthy and incompetent public officers.

In presenting the foregoing reasons why a bill such as this should not be passed, your committee most emphatically disclaim any intention to reflect, in the slightest degree, upon the loyalty or intelligence of any portion of that large body of the qualified electors of this State, now engaged in the military service of the country. The noble patriotism and self-sacrificing spirit which has been exhibited by those men, in leaving behind them the comforts of peace, the endearing ties of home and friends, and voluntarily engaging as active participants in this terrible struggle, to deliver their country from the hands of treason and rebellion, and preserve the Union and the constitution of our country from dissolution and destruction, cannot be too highly extolled or honored by a grateful nation. The objections to the extension of the privilege of voting to the electors in the military service outside the State, do not arise from a want of confidence in the intelligence or patriotism of those electors, as men, but from the impossibility, necessarily connected with their peculiar situation, of their being able to exercise it intelligently, and the impracticability, by any measure, of getting a full and fair vote of those electors.

Your committee believe the passage of this bill would be unconstitutional, as well as impracticable. Your committee are aware that the Attorney General of this State has come to different conclusion, as to the effect of the sections of the consti-

tution above cited; but your committee, after a careful examination of the matter, have been unable to see, in those sections, any intention, on the part of the framers, to extend to the classes of persons therein mentioned, the right to vote when absent from their place of residence, but that they can offer their vote only in the township or ward in which they reside. Your committee therefore recommend that the bill do not pass, and ask to be discharged from the further consideration of the subject.

T. G. SMITH, *Chairman.*



[ No. 28. ]

**REPORT of the Committee on State Prison, relative to the  
State Prison and the Detroit House of Correction.**

The committee on State Prison, to whom was referred so much of the Governor's message as relates to the State Prison, at Jackson, and the Detroit House of Correction, have, in accordance with the concurrent resolution of the Senate and House of Representatives, visited those Institutions, and beg leave to submit the following report, as the result of their investigations:

From a pretty careful and thorough examination of the Jackson Prison, your committee are prepared to say, that in all that renders such an institution an honor and a blessing to the State, it is entitled to the confidence and support of the Legislature. In point of economy, of discipline, of reformatory power, of punishment, tempered with mercy, looking to the ultimate good of the convict, and the welfare of the State, this Institution, in the judgment of your committee, may safely challenge comparison with any similar institution in the country. Much of the credit for this high position is due to the personal qualifications and fidelity of the Inspectors and officers. Legisla-

tion on such a subject, however wise and philanthropical, would avail little, unless carried out by men possessed of the right capacity and spirit.

In fact, improvement in the laws relating to the discipline and confinement of convicts, most generally comes from the suggestions of high-minded and philanthropic men, who have been actually engaged in superintending institutions of the kind, as the laws upon our own statute books will abundantly testify. Thus, improvement in the discipline of the Jackson Prison, under its present able managers and officers, is constantly reaching a higher stage of perfection. New devices and means for elevating the moral and intellectual condition of the inmates, are constantly being put in requisition. Increased facilities for reading, education in the English rudiments, mitigation of the severity of discipline, as a reward for good behavior, habits of industry, knowledge of useful trades, Sunday schools, and the light of hope and the promise of possible peace and purity, which from every page of Holy Writ, shines upon the human heart, are made to render the prison door only the opening to a higher and better life to many of the children of crime. By the side of such an Institution and such results, the gold of Croesus and the proudest trophies of mere material conquest of ambitious States, seem worthless and base.

There has been a decrease in the number of convicts in the past two years of 211, leaving but 410 inmates at the beginning of the present year. This decrease, by diminishing largely the amount of contract labor, without bringing any corresponding decrease of expenses, rendered the Prison not self-sustaining, in the sum of \$6,676 58.

The Inspectors in their report, say that "this difference between the earnings and expenses, *though much to be regretted*, is susceptible of a satisfactory explanation." Your committee is of the opinion that this deficit, so far as it is the result of a falling off of the number of convicts, is far from being a matter of regret. The counties of the State have been saved the expense of arresting and convicting 211 criminals, which cannot be es-

timated less than \$50,000, a clear saving of \$43,000 to the tax payers of the State. But again, who, upon reflection, would for a moment put the sum of \$6,676 58 against such a diminution of crime as is indicated by the falling off of the number of convicts, more than 33 per cent. in two years?

Your committee cannot leave this subject without improving this occasion by saying that the idea of making the State Prison pecuniarily self-sustaining, should never be held paramount to the claims of justice, and the reform of criminals. To do so, would be to ignore the highest dictates of humanity, and every just principle of criminal jurisprudence. No State can adopt and practice upon such an idea without disgracing itself in the eyes of the whole civilized world. Let the officers of this Institution, then, understand that the people of Michigan desire them to perform their duties with reference to the safety of society and the reform of the criminal.

Your committee further report that they have visited, and examined with some care, the Detroit House of Correction, and take pleasure in saying that this Institution, in perfection of construction, enlightened management, and general adaptation to subserve the design of its establishment, is worthy of the commercial metropolis of the State. We commend it unhesitatingly to the confidence of the people of the State. To its able and accomplished Superintendent, and to many public spirited citizens of Detroit, your committee are indebted for attentions and favors which are remembered with unmixed pleasure.

The proposition referred to in the Governor's message, and which found its way here in the form of a bill to authorize the courts of the State to send to the Detroit House of Correction all male convicts between the ages of sixteen and twenty-one, sentenced for a less term than imprisonment for life, your committee deem impolitic and unwise. It involves the necessity of placing the discipline and management of a class of criminals beyond the control of any of the authorities of the State, and in the hands of the municipal authorities of the city of

Detroit. This would be an unfortunate and dangerous precedent of evading just responsibility, unworthy of the State of Michigan. Your committee are clearly of the opinion, that the State of Michigan is abundantly prepared, through her own institutions, to take charge of her convicted felons, and we trust the time is far distant when she will be compelled to farm out so sacred and solemn a trust.

All of which is respectfully submitted.

A. D. GRISWOLD,  
GEO. E. READ,  
*Committee.*



[ No. 24. ]

**REPORT** of Hon. W. T. Howell, Chairman of the Committee on Federal Relations, on the Joint Resolutions of the Legislature of Illinois, on the subject of opening a channel of communication through Canada, for Western Produce.

By the committee on federal relations:

The committee on federal relations, to whom was referred House joint resolution, entitled

Joint resolution relative to facilities for transportation of the produce of the west,

And also the following joint resolution, adopted by the Legislature of the State of Illinois, and transmitted to the House by his Excellency, the Governor of this State:

**JOINT RESOLUTION** in relation to enlarged facilities of transportation between the great lakes and the Atlantic coast, and Europe.

*Adopted unanimously by the Senate and House of Representatives of the State of Illinois, the 14th day of February, 1863.*

*Whereas, It is of the first importance to the great producing States of the North-west, interested in the transportation of their various productions to the seaboard and to Europe, by the*

way of the great lakes, and the rivers and canals connecting those lakes with the Atlantic Ocean, to secure to themselves the most enlarged and liberal avenues of communication possible, without reference to the fact whether such avenues are furnished by their own or another government, provided they secure to said States and their people the greatest value for their productions at home, by transporting them to the markets of the world, at the least cost and expense;

*And whereas,* From the recent action of the Congress of the United States, under a combination of circumstances as urgent as it is probable can ever again be brought to bear upon the question, that body declined to aid in opening such enlarged facilities as the necessities of the great food-producing West so imperiously demand;

*And whereas,* The capacity of these North-Western producing States, in the single staple, never-failing and cheaply grown crop of Indian corn, or maize, can scarcely be estimated, and would soon amount to hundreds of millions of bushels per annum, were enlarged, and consequently cheap means of transportation provided, securing, at once, an income for the outlay and a profit to the producer and consumer at home and abroad, and developing, at the same time, mines of wealth in our broad prairies, equal to the greatest happiness and desires of those who inhabit them;

*And whereas,* The rivers and canals of Canada can readily be improved and adapted to the most liberal means of transportation from the Western States to the Atlantic Ocean, and with mutual advantage to the constructors of such avenues, and all having occasion to avail themselves of them; furnishing, at the same time, the means of avoiding, in a good degree, the heavy tolls and charges that now so enrich the State of New York, at the expense of the western farmer;

*Be it therefore Resolved, by the Senate of the State of Illinois, (the House of Representatives concurring herein,) That a State committee of five citizens of the State, be appointed by the Governor, with full power and authority on behalf of this State,*

to petition, or to proceed personally to the Provisional Government and Parliament of Canada, and to the Government of Great Britain, if deemed by them advisable, for the purpose, in any proper manner, of respectfully presenting to those governments, the statistics of production, and trade of the Western States, seeking enlarged and cheaper outlets to the East and to Europe, for their products, by the way of the lakes and of the rivers, and new or enlarged canals of Canada; and to respectfully solicit from said governments, all proper consideration and action, upon a subject of such great and rapidly growing importance to them, as well as to the Western States, interested in such enlarged facilities of intercourse with the Atlantic ports, and with Europe.

*Resolved*, That our neighboring States, similarly interested, be and are hereby respectfully invited to appoint like State committees, to act and co-operate with the committee hereby appointed, for the attainment of the objects herein set forth; and that the Governor be and is hereby requested to send copies of this joint resolution and invitation to each of the States so interested, and to our Senators and Representatives in Congress, and to furnish an authenticated and official copy of the same, to the committee hereby appointed, and that the preceding preamble and resolutions be printed, for the greater convenience of so doing,

Have had the same under consideration, and respectfully

#### REPORT:

That they have given the subject committed to them such careful consideration as its importance, and the action of a sister State, would seem to require, and herewith submit the result of their deliberation:

The question presented by the Legislature of Illinois, is one of paramount importance to the agricultural interests of the North-western States, and when considered with reference to that interest *alone*, naturally elicits attention and discussion as a financial measure, in which the West has a deep and absorb-

ing interest, as the granary of the world. Nor is the capacity of the "North-western producing States" over-estimated in the proceedings of the Legislature of the State of Illinois, submitted to your committee. Were this a question purely of financial policy, as connected with the agricultural interests of the great producing West, no diversity of opinion would obtain; but, when viewed with the relations of the general government to the States, and the opening of a communication through the dominions of a foreign government, beyond the jurisdiction of both National and State governments, two questions are presented for consideration:

1. The rights and duty of the General Government, in the premises, in its relation to the States; and
2. The policy of adopting the recommendations of the State of Illinois.

We cannot subscribe to the doctrine that the constitutional injunction upon Congress, "to provide for the common defense, and promote the general welfare," includes a system of *local* internal improvements.

The *primary* object of all improvements by Congress, should be to aid in the "common defense," and "promote the general welfare," by postal and military facilities, regarding the development and promotion of all other interests as *incidental* to that great leading, primary object. Upon this basis, it is fully justifiable; and however much the local interests of particular sections may be benefitted, it imposes no obligations upon Congress, to adopt a uniform system of internal improvements, which can only be regarded as a source of local jealousies, calculated to disturb the harmonious relations which should exist between the General Government and the several States, in their sovereign capacity.

The enlargement of the Illinois canal, as a means of naval transportation, we believe to be both within the letter and spirit of the powers of Congress, to provide for the "common defense," and regret that such view was not taken by Congress in its general system of defense; nor do we justify the opposition to

that measure, by the Representatives from the eastern portion of the Union. It was a mistaken and fatal blow to the material interests of the west, when the opportunity was presented for promoting such interests, and yet keeping within the line we have indicated. Such action on the part of eastern members would have cemented the interests and promoted the friendly relations so necessary between the east and west, taking into consideration the various interests and productions of these two important portions of the Union; and we cannot but indulge the hope that a returning sense of justice will yet induce such action on the part of the east as shall repair the injury, and leave no just cause of complaint.

We fail to discover that the action of our sister State is based upon the ground of National defense, coming within the purview of the duties of Congress, but solely on the grounds of the agricultural interests of the West, and while such interests are a part of our own, we cannot subscribe to the doctrine that the action of Congress can be invoked in our behalf, upon those grounds alone, disconnected with a system of National defenses.

*Second:* As to the policy of adopting the recommendations of the State of Illinois:

One of the settled policies of this government should be to keep the interests of the citizen within the protecting care of the government. The proposition to open channels of communication through the territory of a foreign power, and thus voluntarily resign the protection of our own government, presents a question of public policy for grave consideration. In the midst of the revolution in which we are engaged, with the acknowledged jealousy of Great Britain towards our inherent power and wealth, as well as our growing importance as a nation, can we consent by the action of government, to place in her hands the avenue that leads to our granary to tempt her cupidity, or, in case of her interference in our domestic affairs, to control a great leading interest which would otherwise be loyal to our government alone?

Interest, with nations, as with individuals, is the great prompter to action. A divided interest would produce a divided loyalty, which, at this time, should be most scrupulously guarded, and no action or reward of government should be had or offered to divide the interests or estrange the affections of her people.

We owe it to ourselves—to the legacy of our fathers—to the government under which we live—to the cause of liberty and humanity throughout the world—that we present no divided councils, growing out of our personal interests, while the citadel of freedom is assailed by the united efforts of the enemies to the best interests of mankind.

We must be blind to the history of the present, and to the current of passing events, not to discover the insidious and wicked attempt to alienate the affections of the West from the East, for the purpose of subduing or destroying a divided people.

True to the great doctrine of *equal rights*, and holding, as paramount to all other considerations, *the union of the States*, the position of Michigan in the present crisis has been unfaltering, the loyalty of her people unsuspected, and she cannot now consent, *as a State*, to become a party to any measure or means calculated to divide her people, or place the interests of our common country under the control of a foreign government.

Your committee, therefore, introduce the following resolution, and recommend its passage:

*Resolved*, That it is inexpedient, at this time, for the State of Michigan to take any action on the joint resolution of the Legislature of the State of Illinois.

W. T. HOWELL, *Chairman*.







LEGISLATURE, }  
1863.

{ HOUSE Doc.  
No. 25.

[ No. 25. ]

COMMUNICATION from the State Treasurer, relative to the negotiation and sale of State Bonds.

STATE TREASURER'S OFFICE, }  
*Lansing, March 16th, 1863.* }

*To the Legislature of the State of Michigan:*

GENTLEMEN:—At the time my last annual report was made, (Dec. 1st, 1862,) the negotiation of the loan authorized by “an act to provide means for the redemption of the bonds of the State, maturing January 1st, 1863,” approved March 11th, 1861, was then incomplete. Having since been successfully closed, I beg herewith to submit a full report of the negotiation and sale.

In pursuance of sec. 9 of said act, I issued a circular notice, on the first day of July last, and subsequently gave notice through the public press, to the holders of our bonds, inviting an exchange for the six per cent. bonds authorized to be issued, by the act, limiting the time for the exchange to be made, to the first day of October, and which was subsequently extended to the first day of November. In response to this invitation, I received eleven hundred and twenty-six thousand five hundred and sixty-seven dollars and thirty-one cents (\$1,126,567 31)

nine cents (\$432 69) in cash, for eleven hundred and twenty-seven thousand (\$1,127,000) of new bonds. In order to dispose of the balance of the bonds, I invited, by public advertisement in the cities of New York, Albany, Hartford and Detroit, sealed proposals, to be presented in the city of New York on the 1st day of December last, at which time they were opened, at the office of Messrs. E. Whitehouse, Son & Morrison. The annexed schedule gives you the names of the highest bidders for the bonds, and to whom they were awarded and issued; also, the price paid for each description of bond. The amount of bonds sold was eight hundred and seventy-three thousand (\$873,000) dollars, and the premium realized was nine thousand two hundred and ten dollars, (\$9,210 00,) making the aggregate of eight hundred and eighty-two thousand and two hundred and ten dollars, (\$882,210 00,) which has been paid into the Treasury of the State.

After closing the above negotiation, I gave notice in two of the New York daily newspapers, that all the full-paid and adjusted bonds of the "five million loan," (so called,) would be paid on the first day of January, 1863, on presentation at the Metropolitan Bank, in that city, and that the unadjusted portion of the same issue of bonds would be adjusted and paid at the same time, at the office of the State Treasurer, at Lansing, and also at the Michigan Insurance Bank, in the city of Detroit. So far as I am at present advised, the amount paid in New York is two hundred and fifty thousand six hundred and seventeen dollars and sixty-nine cents, (\$250,617 69,) but none have been presented for adjustment and payment, either in Lansing or Detroit. In seeking for a satisfactory reason for the small amount of bonds presented for payment in the months of January and February, I deem it well to call your attention to the fact that a mistake was made in the most of the adjusted bonds, which had been printed with two extra interest coupons, which were so signed and issued. This error would naturally mislead the holder of the bond as to its maturity, and may explain the cause of their not having been presented for payment, es-

pecially in view of the fact that the January interest was called for as usual.

Having ascertained that nearly the full amount of unpaid bonds were held by parties in London, and that the interest upon them was regularly collected by Mr. A. Belmont, in New York, I called at his place of business in the month of January last, and informed him that the State had given notice that the bonds would be paid on the first of January, and that the interest had ceased from that time. This fact I suppose has been communicated to the holders of the bonds in England, and the probability is that in a short time they will be received in New York, and payment made.

A portion of the "five million loan" bonds were issued with the provision that the principal and interest would be paid "in gold and silver." In the belief that this language did not impose upon the State any greater obligation than if the ordinary terms, "lawful money of the United States," had been used, I caused payment on our bonds to be made in the legal demand notes of the United States, when the ordinary current funds were not satisfactory. So far as I am advised, the payment has been satisfactory to the holders of the bonds, with two exceptions, in one of which the objector has only an interest coupon for the interest due last January, and in the other case, ten thousand dollars of bonds are held. It was supposed the holders of unadjusted bonds would present them for adjustment or payment at the time of their maturity, but as yet no presentation or demand has been made. The present condition of the "five million loan" account, is as follows:

FULL PAID BONDS.

Amount outstanding as per my last		
annual report,.....		\$177,000 00
Amount exchanged,.....	\$114,000 00	
"    paid,.....	43,000 00	
"    outstanding,.....	20,000 00	
		<u>\$117,000 00</u>

## ADJUSTED BONDS.

Amount outstanding as per my last annual report, \$1,746,185 00

“ exchanged,.....\$1,012,567 31

“ paid,..... 207,617 69

“ outstanding,..... 526,000 00

\$1,746,185 00

Part paid unadjusted bonds,.....\$140,000 00

Which, when adjusted, will amount to..... 80,999 80

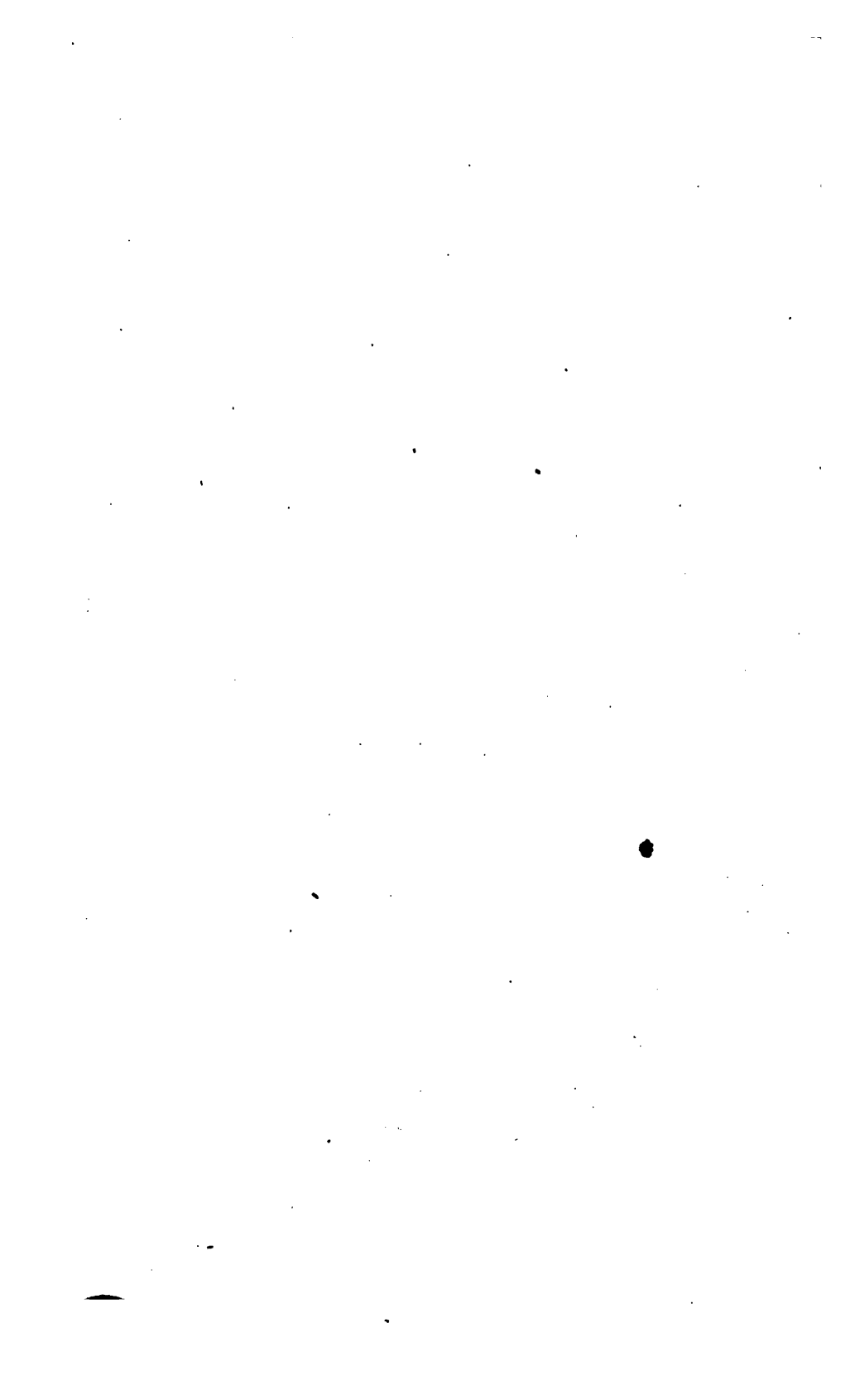
In regard to this last portion of the debt, for the sake of convenient reference, I herewith submit a statement of the legislation had, so far as it relates to the basis upon which the State has authorized the bonds to be adjusted. By provision of act No. 173, approved April 1, 1843, “the holder of any of the above bonds, was permitted to surrender them to the State Treasurer and receive new stock to the amount of \$403 88 for each \$1,000 of said bonds, for principal and interest to January 1, 1846, and adding for subsequent interest, at the rate of six per cent., on \$302 73 on each thousand dollars (\$1,000,) of said bonds, to be computed up to the 1st day of January next after the surrender: *Provided*, The coupons since July, 1841, shall remain attached thereto: *And provided further*, That for missing coupons, \$9 08 was to be deducted for a \$30 coupon, and \$27 24 for a \$90 coupon.”

Under this law, \$399,000 of new adjusted bonds were issued previous to the passage of act No. 105, approved February 12, 1855, which provided that “all holders of that class of State bonds, for which new bonds are directed to be issued by section 8, of act No. 173, of the session laws of 1843, are hereby required within six months from and after the passage of this act, to present such bonds and receive new bonds therefor, according to the provisions of said act; and in case they fail so to present said bonds within the time-herein prescribed, no interest shall be allowed on said bonds after that time.”

This act, in effect, stopped the interest on the part-paid bonds, on the 12th day of August, 1855, and fixed the amount at which

each bond of one thousand dollars, should be adjusted at \$578 57, if all the coupons since July, 1841, were attached to the bond. The result of this legislation, was the adjustment of all the part-paid bonds, except the above mentioned amount of \$140,000.

**J. OWEN, *State Treasurer.***



# SCHEDULE,

*Showing the names of the highest bidders for the "two million loan" bonds, the amount awarded to each, as also the price paid by each bidder.*

NAME OF BIDDER.	CLASS OF BONDS.	RATE OF BID.	AMOUNT BID FOR & ACCEPTED.	AMOUNT OF PREMIUM.	TOTAL, INCLUDING PREMIUM
J. M. Palsco,.....	10 year 6s	\$100 00	\$ 1,000 00	.....	\$ 1,000 00
F. Bulkley,.....	"	100 00	1,000 00	.....	1,000 00
Livermore, Clews & Co.,.....	"	100 00	10,000 00	.....	10,000 00
	"	100 01	10,000 00	\$ 1 00	10,001 00
	15 "	100 05	10,000 00	5 00	10,005 00
	"	100 10	10,000 00	10 00	10,010 00
	"	100 12	5,000 00	6 00	5,006 00
Manchester Savings Bank,.....	10 "	100 36	50,000 00	180 00	50,180 00
	15 "	100 81	50,000 00	405 00	50,405 00
	20 "	100 96	50,000 00	475 00	50,475 00
	5 " 7s	102 70	50,000 00	1,350 00	51,350 00
E. Whitehouse, Son & Morrison, ..	10 " 6s	100 00	10,000 00	.....	10,000 00
	15 "	100 00	10,000 00	.....	10,000 00
	"	100 52	1,000 00	5 20	1,005 20
	"	100 26	5,000 00	13 00	5,013 00
	"	100 10	5,000 00	5 00	5,005 00
	20 "	101 00	5,000 00	50 00	5,050 00
	"	100 76	5,000 00	38 00	5,038 00
	"	100 52	9,000 00	46 80	9,046 80
	10 "	100 00	20,000 00	.....	20,000 00
	15 "	100 00	15,000 00	.....	15,000 00
	5 " 7s	102 00	5,000 00	100 00	5,100 00
Vermilye & Co., .....	10 " 6s	100 00	15,000 00	.....	15,000 00
	15 "	100 00	10,000 00	.....	10,000 00
	20 "	101 00	10,000 00	100 00	10,100 00
	"	101 25	10,000 00	125 00	10,125 00
	5 " 7s	102 00	5,000 00	100 00	5,100 00
	"	101 75	4,000 00	70 00	4,070 00
Refus H. King, .....	10 " 6s	100 00	18,000 00	.....	18,000 00
	15 "	100 23	25,000 00	70 00	25,070 00
	"	100 00	12,000 00	.....	12,000 00
	20 "	101 25	50,000 00	650 00	50,650 00
	"	101 11	25,000 00	277 50	25,277 50
	"	100 81	25,000 00	202 50	25,202 50
	"	100 56	25,000 00	140 00	25,140 00
	5 " 7s	103 81	10,000 00	381 00	10,381 00
	"	103 31	5,500 00	165 50	5,665 50
	"	102 83	10,000 00	238 00	10,238 00
Thos. Olcott,.....	15 " 6s	100 00	5,000 00	.....	5,000 00
H. T. Morgan & Co.,.....	"	100 00	.....	.....	3,000 00
W. A. Blanchard,.....	5 " 7s	101 00	10,000 00	100 00	10,100 00
Ambrose K. Ely,.....	"	105 00%	20,000 00	1,025 00	21,025 00
Michigan Insurance Bank,.....	10 " 6s	100 00	10,000 00	.....	10,000 00
	15 "	100 00	10,000 00	.....	10,000 00
	5 " 7s	102 00	25,000 00	500 00	25,500 00
	"	101 90	25,000 00	475 00	25,475 00
	"	101 75	18,000 00	315 00	18,315 00
J. H. Barringer,.....	"	102 06	5,000 00	103 0	5,103 00
	"	102 56	5,000 00	128 00	5,128 00
Cooper, Thompson & Co.,.....	"	102 05	10,000 00	205 00	10,205 00
Gilman, Sons & Co.,.....	"	102 00	2,000 00	40 0	2,040 00
James S. Abeel,.....	"	102 00	3,000 00	60 00	3,060 00
A. W. Langdon,.....	"	102 00	5,000 00	100 00	5,100 00
G. M. Fisher,.....	"	104 55	2,000 00	91 0	2,091 00
Nell Gray,.....	"	102 00	10,000 00	2 9 00	10,200 00
H. A. Hayden & Co.,.....	"	102 11	5,000 00	105 50	5,105 50
	"	101 81	5,000 00	90 50	5,090 50
Bahl & Ducharme,.....	"	102 00	5,000 00	100 00	5,100 00
	"	102 50	5,000 00	125 00	5,125 00
H. P. Baldwin,.....	"	102 00	4,000 00	80 00	4,080 00
	"	101 00%	4,000 00	75 00	4,075 00
	"	101 00%	3,000 00	52 50	3,052 50
H. Winchester,.....	10 " 6s	100 00	2,000 00	.....	2,000 00
Brooklyn Savings Bank,.....	"	100 00	50,000 00	.....	50,000 00
	"	100 00	20,000 00	.....	20,000 00
Hosaa Webster,.....	"	100 00	6,000 00	.....	6,000 00
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[ No. 26. ]

**REPORT of the Committee on Education, relative to the higher education of Females.**

The committee on education, to whom was referred the petition of the trustees of the Michigan Female Seminary, located at Kalamazoo, asking aid for finishing and furnishing their Seminary building;

Also,

A bill to make a grant from the swamp land fund, in aid of the Michigan Female Seminary, located at Kalamazoo, on certain conditions;

Also,

A bill to accept of and provide for the completion of the Michigan Female College,

And who were instructed, by a resolution, passed February 21st, ultimo, to inquire into and report upon the propriety and feasibility of establishing and endowing a University, for the education of young ladies, have had the same under consideration, and have directed me to report as follows:

The importance of female education, in its relations to the

State, can hardly be over estimated. There is no relationship or interest, in the entire sphere of human existence, unaffected by the influence of woman; and the value of that influence must, of course, depend on her character and qualifications. Said a profound thinker and statesman: "Tell me the general character and qualifications of your women, and I will tell you what the quality of your society is, and what is the character of your State, its degree of progress, its standing in the scale of civilization."

It follows, thence, that if woman is truly educated for all of her duties and relations; truly unfolded and perfected in all of her susceptibilities and powers—in a physical, domestic, intellectual, esthetical, moral and religious respect, then, and then only, is she fitted to fill the place allotted to her in the plan of creation, and to work out her great mission, as to the affairs of active practical life. If, in any of these respects, her education be deficient, society must suffer in proportion to such deficiency. For example: if her physical organization is imperfectly developed, if it be unsound and feeble, she can transmit no other to her offspring. The same is substantially true in respect to her intellectual, esthetical, moral and religious nature. Indeed, it is an important part of the organic law of creation and reproduction, that like shall produce like—like mother, like child; and who can point to an instance of a truly great and good man, whose mother was an inferior woman? History furnishes no such example.

Thus it is, that the character and advancement in general improvement, of every nation, people and tribe, under heaven, accord with the character and qualifications of its women; one is the index of the other.

Napoleon I. asked a distinguished female cotemporary: "What can be done to elevate France?" "Educate its future mothers," was the significant reply. After a moment's pause, that great man said: "That simple sentence contains volumes of truth and good sense, and let it be ours to reduce it to prac-

tion." But the downfall of the Emperor prevented him from carrying into effect his enlightened purpose.

These positions being accepted as true, such conclusions as these thence follow, as a matter of course, namely: 1. All attempts to elevate the human family, and carry forward its different members, and their various interests, in the higher forms of improvement, which leave the education of females, without adequate provision, can result in but partial success at best. 2. It is the duty of every sovereign State, because it is a sovereignty, to devise, adopt and maintain, a system of education for the people, which shall provide for the education and development of females in the highest and best forms attainable, as well as for the males. Your committee submit, that this duty inheres in the very nature of sovereignty. A father is the sovereign of his family, and because he is the sovereign over it, it is his indefeasible duty to provide for it—to provide, so far as he is able, for such a training of his children, whether males or females, as will make the most of them of which they are capable, in their respective spheres of activity. In like manner, the State, because it possesses sovereignty, is charged with a like duty on behalf of the people. And to an enlightened mind, which has been turned to the subject, it is not easy to find any sufficient grounds to justify the neglect of this high duty; a duty so vital to the State, both as a body politic and as a people; a duty on the performance of which so much depends; in which such vast hopes are centered, and from which such formative influences are to flow.

Your committee submit, that the State can as well justify itself for leaving the exercise of judicial functions, or the building of prisons, the establishment of asylums, or the making of public highways, to chance, or to the voluntary efforts of benevolent individuals, as to thus leave the objects and interests to be secured by the discharge of this necessary duty. And it may be added, that in one view, the former would be more excusable than the latter, and for this reason—that in proportion as a people is educated and rightly trained, just in that degree

are they wise, virtuous and thrifty; and the more knowledge, wisdom, virtue and thrift they possess, just so much less is their need of courts, jails, reform schools, poor-houses, and asylums for the unfortunate; so that in this case, as well as in everything else, it is undoubtedly true, that "an ounce of prevention is better than a pound of cure"—will tell more, as a remedy.

But how does Michigan stand in this matter, *as a State*? We have, as a State, our excellent system of common schools, including union schools, which are open, alike, to both sexes. We also have the State Normal School, for the training of *teachers*, whether male or female. Here we stop, *as a State*, in reference to the education and culture of females—stop, practically, at the common school. But the sons of the State are better cared for. By the liberality and wise statesmanship of the Congress of the United States, we have, fortunately, in our State University, very respectable provisions for the higher education of the *sons* of Michigan; and for this crowning glory of Michigan, we are indebted, chiefly, to the beneficence and patriotic foresight of the older States. But the daughters of the State are less fortunate. For the higher education and culture of females, the people, *in their capacity as a State*, have done little or nothing.

It is true that the Legislature which passed the act establishing the University, provided for five branches of the Institution, and also for the higher education of females in connection with these branches. But these branches, by a subsequent act of the Legislature, were cut off, and with them the proposed higher education of females. In this way that part of the munificent donation of the United States to the State of Michigan, designed by the Legislature establishing the University, for the higher education of females, has been diverted from that use and applied exclusively to the higher education of the other sex. Whether or not the creation of these branches was fairly within the scope of the grant from Congress, or whether or not the establishment or abolition of these branches was wise

or unwise, are questions which your committee have no occasion to consider. These proceedings are referred to here only as facts going to make up the history of female education in this State.

And here it is pertinent to call attention to this remarkable fact, namely: The Legislature last referred to, provided for Agricultural and Normal School Departments, in connection with the University branches, but these departments thus provided for, having failed with the branches, the State established in lieu of them, two separate and independent institutions, and to these it has made, and is making, from year to year, large appropriations. The State has already appropriated upwards of \$168,000 to the Agricultural College, alone. But on the other hand, it has not appropriated a dollar for the higher education of females, and in consequence of such neglect, parents have been obliged to see their daughters grow up without a suitable education, or to send them into other States, at a large expense, to procure it.

Your committee do not, by any means, ignore the female schools in the State. But it is to be observed—

1. That these schools originated in, and are carried on by private enterprise, or on sectarian grounds; they are all poor and feeble. They can afford but a limited or fragmentary education, owing to a lack of teachers, apparatus, libraries, foundations, and the materials of education generally, while the cost to the pupil is necessarily large;

2. It is incumbent on the State, to establish and maintain an institution for the higher education of females, which shall be for them, substantially, what the "Department of Literature, Science and the Arts," in the University, is for the other sex. This duty as already shown, grows out of the nature of sovereignty and the relations of the higher education of females, to the prosperity, happiness, honor and success of the people, in their capacity, both as a State and as individuals; and in carrying out this great duty of the State, provision should be made sufficient to bring the advantages of the institution, within the

reach of any daughter of the State, whether rich or poor, who shall desire to enjoy them, and to develop and establish in her moral and intellectual being, a foundation broad enough for building up a noble, wise and useful life. If private or sectarian institutions spring up, very well. That fact should clearly make no difference as to the duty and action of the State. In the exercise of its sovereignty, the State, the same as an individual, must observe the law of self-preservation, and it owes it to itself, and to its citizens to provide for its best growth and perpetuity. And it is radically incomplete, its welfare being impeded, and even endangered, without having in itself as its own, and virtually under its own control, all the means and agencies necessary to ensure the realization of these essential ends of civil and political existence and prosperity.

This, then, being admitted, the question naturally arises—How can the State best discharge this necessary duty, and most economically and successfully, provide for the higher education of the daughters of Michigan? In considering this very important inquiry, the Female Seminary, located at Kalamazoo, has received the serious attention of your committee, who are fully of the opinion that it deserves the thoughtful attention of the Legislature.

As your committee are reliably informed, and believe, the work of founding this Seminary was commenced some six years ago, and on a large scale. A corporate organization was formed for it, and a voluntary subscription obtained, in Kalamazoo, of over \$20,000, besides large encouragements from Detroit, and elsewhere. But the monetary crash of 1857, followed by short crops and the existing war, has thrown formidable difficulties in the way of the Trustees of this Institution. These Trustees have purchased a beautiful plat of ground, consisting of over thirty-two acres, which is especially adapted to all the purposes of such an Institution. On this they have laid the foundations for a building, sufficiently large to accommodate a family school of over three hundred young ladies, with twenty teachers. The building is to be 219 feet in front, and 140 feet in depth com-

sisting of a central building, with two wings. It is to be four stories high, and built of brick. The central building is now up, and covered. Here the work has stopped, for want of means to proceed. To secure the thirty-two acres of ground, and bring the building forward towards completion, as far as it now is, has cost the Institution over \$30,000, while its actual cost has been considerably larger: a portion of the work having been done gratuitously, and all of it, economically. The Trustees are of the opinion that the building, with the requisite appurtenances, can be finished and furnished, ready for the accommodation of three hundred scholars, with the corresponding number of teachers, lecture and recitation rooms, for the sum of \$75,000.

The Trustees of this Seminary now propose to make it over to the State, so that it shall become, and remain, a State Institution. The proposition justly claims the earnest consideration of the Legislature, and of the people.

The Michigan Female College, an incorporated Institution, located in Lansing, is justly entitled to a favorable notice in this report. Your committee state, on information to them deemed reliable, that it is now seven years since this Institution was commenced. It has a plat of ground, consisting of twenty acres, which is well adapted to the use of the Institution. The College edifice to be erected on it, is to consist of a central building, 55 feet square, and five stories high, with two wings, 57 feet by 42 feet, and four stories high, each. This building, when completed, is designed to accommodate 150 pupils, with a corresponding number of teachers and recitation rooms. The north wing is already finished and furnished, at a cost of \$14,500. It is now in use, and is sufficient to accommodate forty pupils. It is estimated that it will cost the sum of \$30,000 to finish and furnish the remaining parts of the edifice, according to the plan adopted, and to procure suitable apparatus. This Institution has acquired a property, costing over \$34,000, consisting of grounds, building, furniture, library and apparatus. It has now fifty pupils in attendance, and seven teachers.

Your committee deem it pertinent to add here, that this Institution is evidently conducted judiciously; that the course of instruction and training there is extensive and thorough; and that this College, under its present able, discreet, large-minded and vigorous management, is justly entitled to general confidence and patronage. And the managers of this Institution propose to make it over to the State, so as to make it a State Institution, to be and remain under the fostering care and control of the State.

The Female Seminary, in Kalamazoo, and the Michigan Female College, in Lansing, are the only institutions, within the knowledge of your committee, whose managers have proposed to make them over to the State, provided the State will take them under its patronage, and carry out the purposes for which they were organized. There may be other institutions, the possession of which would be much more advantageous to the State than either of these, and which might be obtained by the State on the same terms as either of these might be, for the higher education of females, were an opportunity afforded.

The question here presents itself, shall the State accept of either of these institutions, and take it under its control and patronage; or shall it seek other propositions; or by what system of means can it best provide for and promote the higher education of the female youth of Michigan; or what system shall the State adopt for that purpose; or shall it adopt none at all? These are very weighty questions, on the decision of which hang immense interests. To decide them, and carry the decision into effect, is to determine what shall be the quality and extent of female education in this State; nay, what shall be the condition of civil society in the bounds of this commonwealth; nay, what shall be the type of our future civilization and culture; nay, what we shall be, as a people, in respect to our substantial interests and enjoyments, in our outward relations and means of comfort, in our character and influence as members of the State, and in our relations to God and immortality.



Consequently, to decide these questions, is to incur great responsibilities. A serious mistake here, cannot be afforded. To reach wise conclusions, and to know them to be such, requires time to collect facts, compare different views of different educators, and examine the whole subject on all sides of it. No such time or opportunities have been or can be given to your committee, or to this Legislature, during the present session; and no plan for the higher education of females by the State, has been presented, or occurred to your committee, which they are fully prepared to recommend that the State adopt and pursue.

Under these circumstances, your committee are clearly of the opinion that all other action on this subject, on the part of the State, should be held in abeyance, and that a joint resolution should be now passed, directing the Governor to appoint three commissioners, whose duty shall be, first, to inquire into the feasibility and expediency of the establishment, by the State, of an institution for the higher education of females; and, second, to make all necessary investigations, and report to the Legislature, at its next stated session, such plan for the higher education of females by the State, as in their judgment would be best adapted to accomplish the object, and the most suitable for the State to adopt.

Your committee have therefore directed me to report said petition and bills back to the House, with the accompanying joint resolution, as a substitute for said bills, and recommend that the substitute be adopted, and ask to be discharged from the further consideration of the whole subject.

WILLIAM WARNER,

*For the Committee.*

















[ No. 27. ]

**REPORT of the Committee on Ways and Means, relative to the claims of William Beard, for work done on the Muskegon Sand Flats.**

The committee on ways and means, to whom was referred

A bill to authorize the Board of State Auditors to examine, audit and allow the claims of William Beard, for work done on the Muskegon Sand Flats,

Respectfully report, that act No. 147, session laws of 1857, appropriated fifty thousand dollars, for the improvement of navigation, over the Sand Flats of the Muskegon river. By the terms of that act, the sum aforesaid is appropriated, and required to be paid from the Internal Improvement Fund of this State. The Commissioners, which the act authorized to be appointed, made a contract with one John A. Brooks, to do the work for the sum of fifty thousand dollars.

The Governor approved the contract, and the Legislature at its extra session, in 1858, extended the time for completing the work, to January, 1860. Before any of the work was done, said Brooks transferred said contract to one William Beard, of Brooklyn, New York. It is alleged that said Beard advanced

certain sums of money, completed the work, and that the Governor and Commissioners, certified as to the completion of the same. Certain facts, in connection herewith, appear patent to your committee.

At the time of the passage of the law, authorizing the work to be done for the improvement of the Muskegon River, there remained unappropriated, (according to a report made to this House, January 29, 1857, by the Auditor General,) 85,442 03-100 acres of internal improvement lands, so called, which had been sold by the State, and the proceeds thereof, applied for purposes not necessary in this connection to be recounted.

It appears, also, that the said Brooks was a member of the Legislature, at the time the contract referred to was made and entered into by him. By virtue of his office, he was legally and constitutionally incompetent to make any such contract. It seems, then, that the contract being illegal in its nature, and not binding upon either party thereto, no compensation for any work done, by virtue of any of its provisions, could be legally claimed by said Brooks, or his assignee, William Beard.

It seems that the attention of the last Legislature was called to this matter, and that, upon the consideration of the fact that the claim of said Beard had an equitable coloring attached to it; that the improvement made by Beard upon the sand flats of the Muskegon River, was of public utility, and executed in a satisfactory manner, and in good faith upon the part of Beard, the Legislature, at its regular session, in 1861, passed a joint resolution, (laws of 1861, pp. 584-5,) authorizing the Board of State Auditors to audit and allow the claim of William Beard, in the matter of the improvement of navigation over the sand flats of the Muskegon River; also, authorizing the Commissioner of the State Land Office to issue patents of State swamp lands therefor.

Your committee are advised that the action of the Legislature of 1861, in regard to the matter under consideration, was entirely satisfactory at the time, to the authorized agent of said Beard. By the terms of the joint resolution referred to, the

Board of State Auditors were to examine, audit and allow the claim of Beard, at such an amount, not exceeding fifty thousand dollars, as might be equitably due him. He was to have his pay in State swamp lands, at the minimum price, provided he made the selections thereof within six months from the date of the allowance of the claim. He was also allowed the privilege of selecting said lands in the counties of Muskegon, Newaygo, Mecosta, Osceola, Clare, Missaukee and Roscommon.

Your committee are further advised that said Beard having disavowed the acts of his authorized agent, in regard to this matter, and having repudiated the legislation referred to in the joint resolution of 1861, never has appeared before the Board of State Auditors, to claim a settlement for the work done under his contract.

But he comes before *this* Legislature, asking the passage of an act, authorizing the Board of State Auditors to examine, audit and allow such an amount, not exceeding fifty thousand dollars, as they shall find justly and equitably due him, for work done, and money expended, in the improvement of navigation over the sand flats of the Muskegon River; and upon the filing, by him, with the said Board of Auditors, of a receipt in full, of and for all claims and demands against the State of Michigan, on account of said work, the Governor and the State Treasurer be authorized to issue and deliver to him, the said Beard, bonds sufficient to cover the amount allowed by the Board of Auditors, in sums of not less than one thousand dollars each, payable on the first day of July, 1872, each bearing interest at the rate of six per cent., payable semi-annually, in the city of New York. Aside from serious objections to the provisions of the bill under consideration, your committee, after due deliberation, have come to the conclusion that it would be unwise and inexpedient, in their opinion, for *this* Legislature to disturb the legislation of 1861, embraced in the joint resolution referred to; and have directed me to report the bill back to the House, without amendment, and recommend that it do not pass, and ask to be discharged from the further consideration of the subject.

It is but an act of justice and courtesy for a majority of your committee to state, that its chairman, the Hon. Chauncey Davis, being to some extent interested in the matters herein referred to and considered, having been one of the commissioners who made the contract and superintended the work, has taken no part in our deliberations, and is in no manner responsible for any opinions, statements, or recommendations herein set forth.

H. B. DENMAN, *Acting Chairman.*

[ No. 28. ]

**MINORITY REPORT** of the Committee on Elections, on the subject of allowing the qualified Electors of this State, in the military service, to vote at certain elections.

The minority of the committee on elections, to whom was referred

A bill to enable the qualified electors of this State, in the military service, to vote at certain elections, and to amend sections 45 and 61, of chapter 6, of the compiled laws,

Have had the same under consideration, and would respectfully report, that while the undersigned regrets that illness prevented him from participating in the labors of the committee, while said bill was being considered by a majority of its members, he also deeply regrets that any one of the majority of the committee should have fallen into an error, in saying that the committee were "unanimously of the opinion" that said bill contained provisions which were unconstitutional. This statement grossly misrepresents the facts, so far as the undersigned is connected with the committee, and, in his opinion, is far from being true, when applied to the bill. The majority report

makes three objections to the bill, which are, in substance, to the following effect:

1. That it is unconstitutional in its provisions.
2. That we can pass no law, which will have any binding force or effect, on persons outside of the State.
3. It is inexpedient to allow soldiers to vote.

The undersigned cannot treat these objections from a legal stand point; he is but a farmer, and must consider them in the plain, matter-of-fact manner, that he would consider any other subject. The Constitution of a State is but a limiting power—it is not a granting power—and all power is vested in the people; and the Legislature of a State are, therefore, only limited, in legislating for the good of the people, by the positive or implied prohibitions of the Constitution.

This we believe to be a proposition which will not be denied. Then the only question which remains, is this: is there a provision in the Constitution which was intended to and does amount to a prohibition? Section 1, of article 7, is relied upon as containing this prohibition. The quotation reads as follows: "No citizen or inhabitant shall be an elector, or entitled to vote at any election, unless he has resided in this State three months, and in the township or ward in which he offers to vote, ten days next preceding such election." But section 5, of the same article, provides that "No elector shall be deemed to have gained or lost a residence, by reason of his being employed in the service of the United States, or of this State; nor while a student of any seminary of learning." These provisions certainly relate to a question of *residence* only, and not to the particular manner in which a ballot shall be obtained from the elector, to be canvassed in the place or township of his residence.

The majority of the committee say that "if the Legislature can give the right to the qualified electors of this State, engaged in the military service, to vote wherever they may happen to be on the day of election, whether in or out of the State, they could equally give the right to all the qualified electors

attending the University, at Ann Arbor, from whatever section of the State they may have gone, of voting at Ann Arbor." Granted—and it follows that if the Legislature can do the one, then they may also do the other.

Before the adoption of this provision of our constitution, the students of an institution might vote in and control the elections of the township in which such institutions were located. And, in some instances, the county elections might be controlled by students who had no permanent interest in the county. This provision of the Constitution was adopted for the purpose of preventing the consummation of such supposed wrongs, and not for the purpose of depriving the student of a vote where he actually resided. Now, suppose it should so happen that several hundred of the inhabitants of the Upper Peninsula should be attending the Institution at Ann Arbor, can it be presumed for a moment that this clause of the constitution would prevent the Legislature from providing by law for receiving the ballots of those students for officers of the Upper Peninsula, to be taken to the place of their residence, and there canvassed, the same as other votes? Certainly not. Then why attempt to restrict the right of the soldier to vote, while he is generously serving the government, protecting our homes as well as his, and *cannot return* to exercise the rights of the elective franchise? The State of New York, in 1821, had a constitution which provided that "Every male citizen, of the age of 21 years, who shall have been an inhabitant of this State (New York) one year preceding an election, and for the last six months a resident of the town or county where he may offer his vote," &c. This provision was nearly, or quite as strong in relation to residence as the provision in our Constitution, and yet no one, at that day, pretended to any such construction as is now sought to be placed upon our Constitution. Indeed, if we mistake not, the Legislature of New York provided by law that an elector might vote for State officers anywhere in the State. And so general was the acceptance of this construction, that the Legislature of the State of New York, in 1825 and

1826, adopted an amendment to this provision, which was afterwards ratified by the people, by adding after the word "vote," the words, "shall be entitled to vote in the town or ward where he actually resides, *and not elsewhere*, for all officers that now are, or may hereafter be elective by the people." See revised statutes of N. Y., vol. 1, 2d Ed., pages 39 and 50.

The majority of the committee in closing their report, in speaking of the sections of the Constitution referred to, say:

"Your committee have been unable to see in those sections, any intention on the part of the framers to extend to the classes of persons therein mentioned, the right to vote when absent from their places of residence." This paragraph contains the great error which seems to underlie the arguments of the entire report, viz: "That the Constitution is a *granting*, and not merely a *restraining* power."

We have already noticed the fact that this is a fallacy; that the constitution gives no power; provides for no "action of the Legislature," only so far as it was intended to restrain legislative proceedings. Hence, it is not necessary for the Constitution to provide that electors in the military service may vote. The Legislature may do this, unless there is a constitutional prohibition, which we have failed to discover.

The second proposition is, in substance, that we can pass no law which will have any binding force or effect on persons outside of the State. If this be really true, we and our fathers have committed many serious blunders in legislating. Certainly we have always had provisions for taking depositions out of the State, to be used in it. We have always had laws providing for commissioners to take acknowledgments and do other things, out of the State; and we have prescribed the precise manner in which it shall be done. We have provided by law, for punishing a man who shall be engaged in a duel out of the State; and in case he inflicts a mortal wound *while out of the State*, and his victim comes back into the State and dies within its limits, then our laws provide that the punishment of murder shall be inflicted upon the duelist, for the act which was com-



mitted out of the State. There are many other laws of a similar nature, the constitutionality of which have never been questioned. We will pass them, to refer briefly to the action of this Legislature in other matters.

During this session a bill passed this House, by a vote which was almost unanimous, appropriating \$20,000 for the relief of sick and disabled soldiers. That bill contained a provision imposing heavy penalties upon any person who should misapply or embezzle the funds, and it was not confined to acts committed in the State. Another act has passed, with almost equal unanimity, disfranchising a soldier who shall desert. And this act punishes the crime of desertion, whether it occurs *in* or *out* of Michigan. And is it not right? Is desertion any worse in Detroit than it is in Toledo? How then can it be said with any degree of consistency, that "we can pass no election or other laws that will be of any binding authority outside of the State." The last position is, that it is inexpedient to allow soldiers to vote. That "while one regiment or company would have the opportunity of availing itself of the privilege of voting, intended by this bill, another regiment or company equally entitled to such privilege, and perhaps principally composed of men of opposite politics from the large majority of those constituting the regiment or company so voting, would not be allowed to vote, by reason of the important or critical nature of the duties in which, on the day of election, they would be engaged."

This logic may be good, but the undersigned has utterly failed to see the force of it. There are hundreds and thousands of sick and disabled soldiers who will be so situated that they will never be able to enjoy any of the benefits of the \$20,000 we have just appropriated for their relief. Why not refuse to relieve *any*, because you cannot reach *all*? Your State University and other institutions cannot accommodate all who ought to receive their fostering care. Shall we tear them down and reject all good, because the benefits conferred cannot be universal? This principle would leave but little, worthy

the ambition of man. The citizens at *home* are not all able to attend the polls, or to exercise the rights of the elective franchise, neither are they all acquainted with the men for whom they vote; and yet the privilege should not be denied them. The soldier is no less intelligent because he is a soldier; and certainly, the man who leaves his business, his *home*, and goes to take upon himself the hardships, privations, and dangers of a life in the field, should not, in addition to this, be deprived of the rights of the elective franchise, the most valued boon of a free citizen. It would be far better for us to err on the side of liberality; in this matter, and if there is any doubt, the suffering soldier should have the benefit of that doubt. Iowa and other western States have in practical operation such a law. They have found no difficulty in carrying into effect its provisions. They are similar, in their principal features, to the provisions of the bill under consideration; and what other States have done, all other things being equal, we certainly can do.

With these views, the undersigned would most respectfully recommend that the bill do pass, and ask to be discharged from the further consideration of the subject.

J. B. WELCH.



